



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

943 FIRST APPEAL NO. 2941 OF 2021

Vitthal Ramkisan Late [Died thr' LR'S].

- 1) Rukhminibai Vitthal Late.
Age-50 yrs, Occu- Agriculture.
- 2) Balasaheb Vitthal Late
Age-28 yrs, Occu- Agriculture.

All r/o Devala, Taluka Partur,
District Jalna.

... **Appellants**
(original claimants)

Versus

- 1) The State of Maharashtra
through the Collector, Jalna
having his office at Collector Office, Jalna.
- 2) The Special Land Acquisition Officer,
M.I.W. Jalna.
Having his office at Collector Office, Jalna.
- 3) The Executive Engineer,
Nimna Dudhna Project,
Having his office at Jayakwadi,
Selu, Tq-selu, Dist- Parbhani.

... **Respondents**
(Original Respondents)

...

Mr. Deepak M. Kakade, Advocate for Appellants.

Mr. Rajdeep D. Raut, AGP for Respondent Nos.1 & 2.

Mr. Shyam C. Arora, Advocate for Respondent No.3.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 21st January, 2025.

Per Court:

. This appeal is for the enhancement of the amount of compensation, preferred by the appellants / claimants against the common impugned judgment and award dated 14th September, 2009 passed by the learned Reference Court in LAR Nos. 32, 38, and 40 of 2005.

2 The claim of the appellants / claimants was partly allowed and the compensation of Rs.68,686/- was granted.

3 The learned counsel for the appellants placed reliance on the judgment of this Court dated 1st August, 2023 delivered in First Appeal No.649 of 2013 and other connected matters, arising out of the same notification and acquisition proceedings. He submitted that this Court has enhanced the amount of compensation by the said judgment. He, therefore, prayed to allow this appeal by granting the same rate of compensation for the land to the appellants / claimants, on the principle of parity.

4 The learned AGP and the learned counsel for the acquiring body strongly opposed the appeal. However, they conceded that the judgment dated 1st August, 2023 delivered in First Appeal No.649 of 2013, is arising out of the same acquisition proceedings and that the said judgment is not challenged.

5 Heard the learned counsel for both the sides.

6 Paragraph No.4 of the order dated 1st August, 2023
passed First Appeal No.649 of 2013 reads as under:-

“4 This Court, in other connected matters arising out of same acquisition, under common Judgment dated 07th February, 2023, in the bunch of First Appeal No.1353/2009 and others, has disposed of those appeals considering the earlier settlement between the appellants and respondent-acquiring body in the Lok Adalat. As such, this Court, in those appeals, has fixed following rates of compensation considering the various classifications of lands as under:-

Classification	Rate
Dry Lands	Rs.2400/- per R
Semi irrigated lands	Rs.3600/- per R
Fully irrigated lands	Rs.4800/- per R
Pot kharab lands	Rs.1200/- per R”

7 This Court has already passed judgment in similar matters arising out of same acquisition proceedings and enhanced the amount of compensation. Considering the amount of compensation enhanced by this Court vide judgment dated 1st August, 2023 delivered in First

Appeal No.649 of 2013 and other appeals, the claim of the appellants / claimants deserves to be allowed, in view of the classification of land and rates as stated above. Hence, the following order is passed:-

ORDER

- I. The appeal is partly allowed
- II. The appellants / claimants are entitled for the amount of compensation as under:-

Classification	Rate
Dry Lands	Rs.2400/- per R
Semi irrigated lands	Rs.3600/- per R
Fully irrigated lands	Rs.4800/- per R
Pot kharab lands	Rs.1200/- per R

- III. The earlier amount of compensation awarded and received by the appellants / claimants shall be calculated from the above rates.
- IV. The appellants / claimants are also entitled for interest as per Sections 28 and 34 of the Land Acquisition Act, 1894 from the date of award passed by the Special Land Acquisition Officer.
- V. The appellants / claimants shall also be entitled to get interest @ 12% p.a. as special component from the date of notification under Section 4(1) of the Land Acquisition Act, 1894, till the date of passing of

the award by the SLAO, as per Section 23 (1A) of the Land Acquisition Act, 1894.

- VI. The appellants / claimants shall be entitled to get 30% solatium on the difference of market value of the acquired land under Section 23(2) of the Land Acquisition Act, 1894.
- VII. For the period of delay that is caused in filing the appeal, the appellants / claimants shall not be entitled to claim any interest.
- VIII. The judgment and award is modified accordingly.
- IX. The appellants / claimants are directed to pay deficit Court fees, if any, on enhanced amount within two weeks after it is calculated by the office.
- X. Record and proceedings, if received by this Court, be sent back to the Reference Court.
- XI. The appeal is disposed of.

[SANJAY A. DESHMUKH, J.]