

(2022) 12 BOM CK 0017
In the Bombay High Court
Case No : First Appeal No.72 Of 2015

Keshavrao Shivramsa Ajmire

APPELLANT

Vs

Executive Engineer And Others

RESPONDENT

Date of Decision : 01-12-2022

Acts Referred:

Citation : (2022) 12 BOM CK 0017

Hon'ble Judges : Avinash G Gharote, J

Bench : Single Bench

Advocate : A.B. Nakshane, M.A. Kadu, S.S. Jachak

Final Decision : Allowed

Judgement

Avinash G Gharote, J

1. Heard Mr. Nakshane, learned Counsel for the appellant, Mr. Kadu, learned Counsel for respondent no. 1 and Mrs. S.S. Jachak, learned AGP for the respondent nos.2 and 3.

2. The factual position in the present appeal is as under –

Date of Notification under Section 4 of the Land Acquisition Act

31-12-1998

Property details

Area of property

LAO Award dated 22-02-2022

Ref. Court Award Dated 15-12-2011

PVillage- Fattepur Tahsil Babhulgaon Dist- Yavatmal

S.No.65, Adm. 1.21 HR

Rs.51687/- P/HR

Rs.1,25,000 P HR.

3. The appeal challenges the judgment of the Reference Court dated 15-12-2011, whereby the learned Reference Court has enhanced the compensation for the agricultural land from Rs. 51,687/- Per HR granted by the LAO to Rs. 1,25,000/- Per HR , in respect of land Survey No.65, as detailed above.

4. In Amol Ashokrao Ajmire Vs the Executive Engineer, Bembla Project Division, Yawatmal and others (F.A. No. 164/2014 decided on 19-08-2015), this Court has after taking note of the order passed in F.A. No.1263/2009 and connected matters, has granted compensation in respect of the land acquired from the same village under the same Notification for the same project at Rs. 1,35,000/- per HR with all statutory benefits. Mr. Kadu, learned Counsel for respondent no.1 does not dispute the judgment rendered in Amol Ajmire (supra). The sale instance considered by the learned Reference Court at Exh 25, is in respect of Gat No.94, out of which 1.21 HR land was sold for the consideration of Rs. 1,50,000/- per HR on 18-01-1994 which gives the rate at Rs. 1,23,967/- Per HR. Considering that, the notification in the instant case u/s 4 is dated 31-12-1998, the rate awarded in Amol Ajmire (supra), is clearly applicable.

5. The impugned award which grants the rate of Rs. 1,25,000/- per HR is, therefore, modified by enhancing the rate for agricultural land at Rs. 1,35,000/- per HR as held in Amol Ajmire (supra).

6. The appropriate calculations be made and the enhanced compensation be deposited in this Court within a period of six weeks. Any difference in the Court fees upon the enhanced compensation shall be paid within one week, from the date the calculations are placed on record. Appeal is allowed. No costs.