

(2023) 01 BOM CK 0021
In the Bombay High Court
Case No : First Appeal No. 543 Of 2009

Maharashtra Industrial Development	Vs	APPELLANT
Ravindra And Others		RESPONDENT

Date of Decision : 04-01-2023

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (2023) 01 BOM CK 0021

Hon'ble Judges : Urmila Joshi-Phalke, J

Bench : Single Bench

Advocate : Sagdeo, M. M. Agnihotri, Vinay Dahat, Shamsi Haider

Final Decision : Dismissed

Judgement

Urmila Joshi-Phalke, J

1. The present appeal is listed for final hearing along with cross-objection bearing No.24 of 2020 for enhancement of the compensation. Appellant as well as Cross-objector both have challenged the award passed by the reference Court i.e. by 2nd Ad-hoc Additional District Judge, Amravati dated 30.04.2005. The appeal as well as Cross-objection is taken up for final hearing.

2. Heard Mr. Sagdeo, learned counsel holding for Mr. M. M. Agnihotri, learned counsel for the appellant, Mr. Vinay Dahat, learned counsel for the original claimant/respondent No.1 and Ms. Shamsi Haider, learned AGP for respondent Nos.2 and 3.

3. It is undisputed that in the cases of acquisition of land pursuant to the same Notification under Section 4 of the Land Acquisition Act, 1894 published on 15.04.1997 and for the same project, the Corporation has amicably worked out the amount of compensation with another claimants during the Lok-Adalat. The copy of award dated 04.10.2009 drawn up by the Lok-Adalat and the compromise memo signed by both the parties are placed on record. As per the terms of compromise, the Corporation agreed to pay compensation at the rate of

Rs.2,25,000/- per hectare inclusive of all statutory benefits for the lands situated at Wagholi, Tahsil and District Amravati. It is undisputed that the land which is the subject matter of present matter is also situated at Wagholi, Tahsil and District Amravati.

4. In the above undisputed facts, it has to be held that claimant is entitled for compensation at the rate of Rs.2,25,000/- per hectare to the other land owners by the compromise dated 04.10.2009. In view of the same, present claimant is also entitled for Rs.2,25,000/- per hectare in lump sum irrespective of cultivated or non-cultivated land. The claimant is also entitled for the interest at the rate of Rs.9 % per annum from 04.10.2009 that is the date wherein the award is passed by the Lok-Adalat in Land Acquisition Case No.614 of 1999.

5. In view of the above, the following order is passed.

ORDER

(i) The claimant is entitled for compensation at the rate of Rs.2,25,000/- per hectare irrespective of cultivated or non-cultivated lands. This amount will include the amount inclusive of statutory benefits. The amount already paid by the Corporation to the claimant shall be adjusted while paying the enhanced amount of compensation.

(ii) The claimant is also entitled to receive interest at the rate of Rs.9% on the enhanced amount of compensation from 04.10.2009.

(iii) The Corporation shall pay the enhanced amount of compensation to the claimant within two months.

(iv) Both the parties shall file the calculations respectively with the Registrar (Judicial) within one month and thereafter, Corporation shall pay the balance compensation amount in next one month. On failure the Corporation shall be liable to pay interest at the rate of Rs.9% per annum, the interest being chargeable from 04.10.2009 till the amount is paid to the claimant.

6. The appeal is hereby dismissed and Cross-objection bearing No.24 of 2020 is allowed.