

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION.

FIRST APPEAL NO.1083 OF 1991.

WITH

FIRST APPEAL NO. 464 OF 1993

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

FIRST APPEAL NO. 1083 OF 1991.

Mr. K.K. Tated, A.G.P for the
Appellant.

Mr. Rajiv L. Patil for the
respondents.

FIRST APPEAL NO. 464 OF 1993

Mr. Rajiv L. Patil for the
appellants.

Mr. K.K. Tated, A.G.P. for the
respondents.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA, JJ.

DATE : 31.08.2004

P.C.

. First Appeal No. 1083 is
by the State, challenging award
of the reference Court dated
5.11.1990. The reference Court

has fixed market value at Rs. 11/- per sq.meter.

2. First Appeal No. 464/1993 is by the Claimants, challenging the award of reference Court rejecting their claim for market value at Rs. 25/- per sq. meter.

3. The acquisition is by the same notification which was the subject matter of first appeal No. 1049/89 with Cross Objection Stamp No.10604/90 decided by us today i.e. 31st August, 2004 in State of Maharashtra V. Namdeo Ganu Keni and others. In that matter we have fixed market value at Rs. 15/- per sq. meter. The claimants therefore, would be entitled to enhancement of the compensation from Rs. 11/- to Rs.15/- per sq. meters. The

award of the reference Court is dated 5/11/1990. Possession of the land was taken on 22/1/1986. In the light of that the following order;

. First Appeal No.1083/1991 dismissed.

. First Appeal No.464/1993 partly allowed. Market value of the land is fixed at Rs. 15/- per sq. meter. Claimants/appelants in First Appeal No. 464/1993 would be entitled to compensation at the rate of Rs. 15/- per sq. meter with all consequential benefits including compensation under Section 23(1)(A) of the Land Acquisition Act.

. Both the appeals accordingly disposed off.No order

as to costs.

. Parties concerned to act
on a simple copy of this order,
duly authenticated by the Court
Stenographer of this Court.

[F.I. REBELLO,J.]

(ANOOP V. MOHTA, J.)