

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

FIRST APPEAL NO. 503 OF 2004

The State of Maharashtra
(through the Special Land
Acquisition Officer,
Metre Centre No.3, Panvel,
Dist. Raigad).

..Appellant.
(Org. opponent)

Vs.

1. Krishna Zitu Barse

2. Bhagwan Zitu Barse

Both R/o Kharghar-Belpada,
Tal. Panvel, Dist. Raigad.

..Respondents.
(org.Claimants).

Shri K.K. Tatel, A.G.P. for the appellant.

Shri Prasad S. Dani for respondents 1 and 2.

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

DATE : 31ST AUGUST, 2004.

P.C.

. Admit. Heard forthwith.

. Heard both Counsel.

2. Notification under section 4 was published on
3.2.1970.

3. Award in respect of the suit land was made on
31/7/2001.

4. The possession of the suit land was taken on 1/7/1986.

5. Poona Mumbai Highway from the land is situated between 200 to 500 meters.

. considering the judgment passed in First Appeal No. 757 of 2003 in C.A. 514 pf 2003 and First Appeal No. 1782 and Civil Application No. 1078 of 2004 the market value of the land is fixed at Rs. 23 per sq. meter.

5. The said appeal is by the State challenging the award of the said compensation of market value. The learned reference Court has awarded Rs. 25/- per sq. meter which is within the parameters passed by us in judgment above referred.

6. The respondents are entitled to all consequential benefits including compensation under Section 23(1)(A) of the Act. Appeal accordingly disposed of. Respondents are entitled to withdraw the amount deposited in view of disposal of the appeal without any security.

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

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]