Received on : 27/11/2006
Registered on : 27/11/2006
Decided on : 27/09/2017
Duration : Y. M. Ds.
10 10 01

Exh. :- ______

IN THE COURT OF 4th JT. CIVIL JUDGE, SENIOR DIVISION, JALGAON.

(Presided over by R. S. Bhakare)

(SR No.14/80, 1/86 & 11/86)

1] LAND ACQUISITION REFERENCE NO.1081/2006

Pundalik Chindhu Barhate – (Dead),)
Age 75 Years,)

Deceased Heirs :-)

1) Purushottam Pundalik Barhate,)
Age 63 Years,)

2) Chandrabhaga Pundalik Barhate–(Dead))
Age 80 Years,)

3) Maltibai Baliram Bhole,)
Age 65 Years, Occu of All – Agricultural,)
All R/o at – Nashirabad, Tal.& Dist.Jalgaon.) **..Applicants**

2] LAND ACQUISITION REFERENCE NO.1084/2006

Hari Chindhu Barhate – (Dead),)
Age 85 Years,)

Deceased Heirs :-)

1) Janardan Hari Barhate, Age-67,)

2) Lotu Hari Barhate, Age-69,)

3) Sukdev Hari Barhate, Age-58,)

4) Dnyandev Hari Barhate, Age-56,)

5) Nivrutti Hari Barhate, Age-54,)

6) Sau.Indubai Pitambar Chaudhari-Age-77)

7) Nirmala Prakash Chirmade, Age-49,)

8) Kai. Bhagwat Hari Barhate - (Dead))

Deceased Heirs :-)

8A) Sushilabai Bhagwat Barhate, Age-52	)	
8B) Kamlakar Bhagwat Barhate, Age-30	)	
8C) Vaishali Atul Bhangale, Age-27	)	
Occu of All – Agricultural,	)	
All R/o at – Jalgaon, Tal.& Dist.Jalgaon.	)	**..Applicants**

Versus

1] The Collector, Jalgaon.	)	
2] The Special Land Acquisition Officer,	)	
Jalgaon.	)	
3] Regional Manager,	)	
Maharashtra Industrial Development	)	
Corporation, MIDC, Jalgaon.	)	**....Opponents**

REFERENCE U/S 18 OF THE LAND ACQUISITION ACT, 1894.

Smt. Usha V. Yadav, Adv. for the applicants.
Mr. K. J. Dhake, D.G.P. for the opponent Nos.1 & 2.
Mr. Y. S. Mahajan, Adv. for the opponent No.3.

COMMON JUDGMENT

(Delivered on this 27th day of September 2017)

1) Being aggrieved by the award passed by the Special Land Acquisition Officer (here-in-after referred to as S.L.A.O.) in LAQ SR Nos.14/1980, 1/1986 and 11/1986 on 31/3/2004, the claimants have preferred these reference applications under Section 34 of Maharashtra Industrial Development Act, 1961 (here-in-after referred as 'M.I.D.C. Act') r/w the provisions of Land Acquisition Act being aggrieved persons.

2) Brief facts of the reference applications are as under:

The S.L.A.O. has acquired the lands situated at village Manyarkhede, Tal. & Dist. Jalgaon for the purpose of additional extension of Industrial Corporation, Jalgaon. The claimants were the owners and possessors of the acquired lands.

The description of acquired lands is as under:

Sr. No.	LAR No.	Name of the village	Gat No.	Acquired area (H-Ares)
1]	1081/2006	Manyarkhede	243 P, 1/3 share	1.62 0.33 P.K.
2]	1084/2006	Manyarkhede	243 P, 1/3 share	1.62 0.33 P.K.

3) The acquisition proceeding started in the year 1980. The notification under Section 32(2) of the M.I.D.C. Act was published on 25/09/1980. The possession of the acquired lands have taken between 1983 to 1984 and after final notification under Section 32(1) of the M.I.D.C. Act, the award is passed on 31/3/2004. The S.L.A.O. has issued notice under Section 12(2) of The Land Acquisition Act and accordingly final payment towards compensation of acquired lands was made and it was received by the claimants under protest reserving their rights to prefer these references. The claimants came with the case that the award passed by the S.L.A.O. is unjust and inadequate. It is their grievance that the S.L.A.O. has not considered the utility and potentiality of the acquired lands. Moreover, the sale instances of the relevant period are not considered in proper perspective.

4) The acquiring authority has relied upon old method i.e. assessment of land on the basis of land revenue and its classification and grouping. It is contended that the sale instances of surrounding proximity are not considered while awarding compensation of the acquired lands. The S.L.A.O. has not considered the prevailing market price on the basis of fertility of the land. The claimants were getting sufficient income and it was to be considered while awarding the compensation. The S.L.A.O. has committed these infirmities while considering the market value of the acquired lands.

5) The claimants have also averred that Manyarkheda village is adjacent to the district place Jalgaon and having all the facilities and amenities as a developed town. The said village is assessable to the

Jalgaon-Aurangabad State Highway and Dhule-Nagpur National Highway. The S.L.A.O. has not considered all these aspects while awarding compensation by fixing market value of the acquired lands. It is specifically contended that the acquired lands of these villages came within the ambit of Municipal Corporation limit of Jalgaon even since prior to the acquisition period. Therefore, the market value of the acquired lands was much higher having N.A. potentiality being developed area. The industrial development was already commenced by M.I.D.C. in the adjoining area. Moreover, residential development and other commercial establishments were already started in the surrounding area of the acquired lands. This material aspect was totally ignored by the acquiring authority.

6) The claimants have relied upon the sale instance of surrounding land of that area. It is their contention that the market value of the lands during the relevant period was around Rs.5,00,000/- per hectare. The said sale instance could have been considered as a best measure to decide the market value of the acquired lands. Therefore, the claimants have preferred these references for enhanced compensation @ Rs.5,00,000/- Per Hectare for dry crop land or Rs.1,000/- per square metre. These references are preferred within limitation. Hence, prayed for enhanced compensation as per the prayer made by the claimants.

7) The opponents have strongly objected the reference applications on the ground that the S.L.A.O. has considered the sale instances of the said villages of the relevant time. The S.L.A.O. has classified the group of lands on the basis of assessment of land revenue and also considered the sale instances according to the groups of the lands. The claimants have not raised any objections during the acquisition proceeding nor the claimants have produced acceptable documentary proof while considering the market value of the acquired land. Therefore, the award passed by the S.L.A.O. is just, proper and adequate. The claims preferred by the claimants are exorbitant and without any reasonable grounds. The sale instances relied upon by the claimants are not of the considerable area and hence, it can not be considered for enhancement of the compensation amount. The claims preferred by the claimants are liable to be rejected.

8) It reveals from the defence that the references are not preferred within the stipulated period of limitation. Moreover, the claimants have not shown their protest or grievance during the entire acquisition proceeding. The initial award passed by S.L.A.O. was quashed by the order of Hon'ble High Court and the matter was remitted for considering the market value afresh by granting opportunity of hearing to all these stake holders. Accordingly the sale-deeds furnished by the claimants and their oral submissions were taken into consideration while passing this final award. In such situation, the claimants' prayer for enhancement appears to be exorbitant. Hence, it is liable to be rejected.

9) On going through rival contentions of the parties the issues are framed in respective L.A.R.. The same are reproduced hereunder & I have given findings thereon for the reasons given below :

	ISSUES		**FINDINGS**
1)	Whether the petitioner accepted the amount of compensation from SLAO under protest ?	...	Yes.
2)	Whether the reference is untenable as barred by limitation as alleged by respondent No.2 ?	...	No.
3)	Does petitioner prove that market price of the land determined by the SLAO is inadequate ?	...	Yes.
4)	What is the market price of the land acquired on the date of notification U/s.32(2) of M.I.D.C. Act ?	...	@ Rs.1,50,000/- P.H. for Jirayat land, @ Rs.75,000/- P.H. for Pot Kharab land.
5)	Whether petitioner is entitled for enhancement of compensation, as claimed ?	...	Yes.

6)	What order ?	**...**	As per final order.

REASONS

10) Heard learned Counsel Smt. Usha V. Yadav for the claimants, D.G.P. Shri. K.J.Dhake for opponent Nos.1 & 2 and Shri. Y.S.Mahajan, Adv. for the opponent No.3. The learned Counsel for the applicants have also filed written notes of arguments.

AS TO ISSUE NOS.1 & 2 :-

11) Filing of reference applications itself sufficient to show that the applicants were having grievances about award passed by the S.L.A.O. Even the oral protest shown by the claimants is sufficient to accept their grievances. Thus, it can be inferred that the claimants are having grievances in respect of compensation awarded by the S.L.A.O. and, therefore, they have filed present reference petitions.

12) It reveals from references that the possession of the acquired land has been taken on 28/06/1983. As per the decision of Hon'ble High Court dated 28/08/2001 the earlier award has been cancelled and thereafter on 31/03/2004 fresh award has been declared. As per applicants they have received the payment on 08/06/2005. These reference forwarded by the SLAO shows that the date of payment is 14/06/2005. Nothing material has been brought on record in the cross examination of the applicants in respect of these issues. Even the respondents have not brought their evidence on record to that effect. Hence there is no reason to disbelieve the applicants.

13) As per section 34 of the M.I.D.C. Act, within 60 days from the date of decision of the Collector determining the amount of compensation the reference is required to be filed. The applicants came to know about the decision of the Collector when they received payment of compensation. Here in the present references the applicants have received the payment of compensation on 14/06/2005 and the references are filed on 11/07/2005. Hence the present references are filed within the period of limitation. Hence the present references are not barred by period of limitation. Hence I answer Issue No.1 in the affirmative & Issue No.2 in the negative.

AS TO ISSUE NOS.3 TO 6 :-

14) These issues are interlinked with each other hence taken together for consideration. The applicants are coming with a case that the compensation awarded by the SLAO is inadequate & they are entitled for the enhanced compensation. Hence the burden lies upon the applicants to prove their case.

15) From the award, it is seen that the land of village Mehrun, Manyarkhede, Kusumbe & Khedi, Tal. & Dist. Jalgaon have been acquired by S.L.A.O. in the proceeding bearing SR-Nos.14/1980, 1/1986 and 11/1986 for the purpose of additional extension of Industrial Corporation, Jalgaon. The learned Counsel for the applicants has submitted that the compensation awarded by the SLAO is without adverting to the provisions of section 23 of the Act. He has not considered the nature, fertility, N.A. potential of the land, sale transactions taken place prior to the notification though the same were available. The acquired land is adjoining to the Jalgaon and to the National Highway No.6. Residential & industrial development were also going on surrounding the acquired land. Therefore the compensation granted by the SLAO is insufficient & inadequate.

16) The learned counsel for the applicants Smt. U.V.Yadav submitted that the potentiality of the acquired land was the paramount consideration while deciding market value of the said land. It is submitted that said area was developed by way of industrialization set up since long. The establishment of Agricultural Produce Market Committee (APMC) was since prior to the acquisition proceeding. Moreover, the M.I.D.C. development was occurred since 1964. The lands were converted into non-agricultural form since long. The entire surrounding area of acquired land was developed with residential houses, commercial establishments, business sectors etc. Therefore, from location point of view, the acquired land was valued property. It is further submitted that the acquired land is situated in the triangle portion of Jalgaon-Aurangabad State highway and Dhule-Nagpur national highway. Thus, the location of the acquired land became prime and valued from commercial point of view. Therefore, the aspect of location and proximity of the area is liable to be considered.

17) On the other hand, the learned counsel for the opponent No.3 Shri. Y.S.Mahajan urged that the so called development started in the said area was on the bank of Jalgaon border and not on the other end of the acquired land. Moreover, the entire junk of the acquired land was never converted into non-agricultural form nor any of the claimants has tried to convert it into non-agricultural form. Therefore, the alleged N.A. potentiality of the acquired land is not supported with logical grounds and concepts. The claimants failed to show that the acquired land or any piece of the acquired land was developed by way of plotting or any other construction development. Therefore, considering the dry crop agricultural nature of this barren land, the sale instances of the corresponding period were considered by the S.L.A.O. The classification of lands on the basis of land revenue assessment is just and proper for such type of agricultural land.

18) The learned Counsel for the applicants have relied upon the following decisions of Hon'ble Apex Court and Hon'ble High Court.

1) ***Special Land Acquisition Officer & Anr. Vs. M. K. Rafiq Saheb*** reported in ***AIR 2011 SC 3178***.
2) ***Sangunthala (dead) through L.Rs Vs. Special Tahsildar and others*** reported in ***2010(4) Mh.L.J. 602***.
3) ***Nagnath Vishwanath Bavkar & ors Vs. State of Maharashtra & ors*** reported in ***2012(6) Bom. C.R. 232***.
4) ***Sundar Vs. Union of India*** reported in ***AIR 2001 SC 3516***.
5) ***Kasturi Vs. State of Haryana*** reported in ***AIR 2003 SC***

202(1).

6) *State of Maharashtra Vs. Shri. Ramdas Dhaya Patil* reported in ***2004(4) All MR 173***.

7) *Sitaram Gosavi Vs. S.L.A.O.* reported in ***2007 L.A..A 826 (Bombay)***.

8) *Shashikant Bansal Vs. Gwalior Improvement Trust* reported in ***AIR 2010 SC 2819***.

9) *Mahesh Dattatray Thirthkar Vs. State of Maharashtra* reported in ***AIR 2009 SC 2238***.

10) *Chandrashekhar and others Vs. Additional SLAO* reported in ***2009 ALL SCR 2769***.

11) *Shardamma Vs. SLAO and Anr.* reported in ***2007 AIR SCW 1109***.

12) *State of Maharashtra Vs. Baliram Girdhar* reported in ***2006 LAC 375 (BOMBAY)***.

13) *State of Maharashtra Vs. Valu Vasu Suryawanshi* reported in ***2008(4) M.L.J. 626***.

14) *L.A.O. Vs. Mohammad Ali* reported in ***AIR 2002 SC 1558***.

15) *Rishipalsingh & others Vs. Merrut Development Authority & others* reported in ***2006(3) Mh.L.J. 531, AIR 1996 Pradesh 14***.

16) *Atmasing (Died) through L.R's Vs. State of Haryana* reported in ***AIR 2008 SC 709***.

19) On the other hand, the learned Counsel for respondent No.3 has relied upon the following decisions of Hon'ble Apex Court and High Court.

1) *M/s. Lakshon Electronics Pvt. Vs. Deputy Collector and S.D.O., Ponda Sub-Division, Ponda, Goa, Anr.* reported in ***2004(4) ALL MR 146.***

2) *State of Maharashtra & Anr. Vs. Shashikant Bhagwant*

Jadhav reported in ***2004(1) ALL M.R. 253***.

3) ***T. S. Ramachandra Shetty Vs. Chairman, Karnataka Housing Board & Anr.*** reported in ***2009(3) ALL MR 433***.

4) ***State of Maharashtra Vs. Parubai Vithal Gawade*** reported in ***2011(3) ALL MR 47***.

5) ***Krishi Utpadan Mandi Samiti, Sahaswan Vs. Bipin Kumar and another, etc.*** reported in ***AIR 2004 Supreme Court 2895***.

6) ***Bhule Ram Vs. Union of India & Anr.*** reported in ***2014 ALL SCR 1733.***

7) ***Chimanlal Hargovinddas Vs. SLAO Poona*** reported in ***AIR 1988 SC 1652***.

I have gone through the ratios laid down in the above referred cases. In the context of the legal guidelines laid down by the Hon'ble Apex Court and the Hon'ble High Court as seen above evidence brought on record needs to be scanned.

20) In order to establish that the compensation awarded by the respondents is meagre and applicants are entitled to enhanced compensation, the applicants have examined one of the applicant on oath in consonance with their contentions in the respective references. The applicants claimed enhanced compensation for the acquired land. The applicants have admitted in their cross-examinations that the acquired lands and the surrounding lands were used for agricultural purpose. Their acquired lands are at a distance of 1 k.m. away from Ajintha Chaufuli. It is also admitted that their agricultural lands have been acquired, hence SLAO has given per hectare rate. The acquired lands are not adjoining the highways. They have claimed ignorance about the sale transactions of the adjoining lands which have been taken place prior to 1980. They have also admitted that they have not produced any document to show that their acquired land were falling within the boundary of Nagar Parishad in the year 1983 to 1987.

21) It appears from the cross-examination of the claimants that their testimony has been shattered as far as the point of N.A. potentiality is concerned. It reveals from the documents filed by the applicants that the proclamation regarding extension of limits of the Jalgaon Municipal Council has been issued on 18th August 1983 whereby the acquired lands comes within the limits of Municipal area. However this is post notification development hence it cannot be considered. Moreover, the applicants have placed on record the photocopies of the orders of conversion of the lands situated at Mehrun into N.A.. These copies being photocopies, it cannot be considered. The claimants have also admitted in their cross examination that they are unable to tell since when the industries have started on Ajintha Road. They are also unable to tell the rates at which the plots were alloted to the 62 industries. Therefore, from the evidence on record, it is clear that at the time of acquisition the acquired lands were agricultural lands and the same were situated at a distance of 1 k.m. away from the Ajintha Chaufuli. Hence the acquired lands having no N.A. potentiality. Hence the rates of the acquired land are required to be determined as agricultural lands.

22) The learned Counsel for the applicants has placed reliance upon the sale instances No.JLG/81/1981 dt.06/01/1981, No.JLG/1539/1980 dt.22/07/1980, No.JLG/2044/1978 dt.11/09/1978, JLG/1803/1980 dt.05/09/1980, No.JLG/1447/1980 dt.04/07/1980, No.JLG/2090 / 1978 dt.21/09/1978 to ascertain the market value of the acquired land. Verified copies of the said sale deeds are placed on record. As per section 51-A of the Act certified copies of the sale deeds registered under the Registration Act can be accepted as evidence. Hence the certified copies of the sale deeds are admissible.

1) The sale deed dt.06/01/1981 executed between Maltibai Sudhakar Patil & Dwarkabai Baburao Kale. It is in respect of land in City

Survey No.22/4A/4/2 admeasuring 5 R situated at village Mehrun, Tal. & Dist. Jalgaon. Wherein the land admeasuring about 5 R has been sold for consideration of Rs.20,000/-. The rate of this land comes to Rs.4,00,000/- per hectare.

2) The sale deed dt.22/07/1980 executed between Jwalaprasad Ramgopal Agrawal and Shaikh Momahhad Ismail Ibrahim. It is in respect of land in City Survey No.24/1 admeasuring 8 R situated at village Mehrun, Tal. & Dist. Jalgaon. Wherein the land admeasuring about 8 R has been sold for consideration of Rs.40,000/-. The rate of this land comes to Rs.5,00,000/- per hectare.

3) The sale deed dt.05/09/1980 executed between Chandmal Sagarmal Malhara & Jwalaprasad Ramgopal Agrawal. It is in respect of land in City Survey No.24/1 admeasuring 8 R situated at village Mehrun, Tal. & Dist. Jalgaon. Wherein the land admeasuring about 8 R has been sold for consideration of Rs.43,000/-. The rate of this land comes to Rs.5,37,500/- per hectare.

4) The sale deed dt.11/09/1978 executed between Kamal Shridhar Chaudhari + 3 and Bhaskar Yashwant Rao. It is in respect of open land in survey No.496/2B, Plot No.4 admeasuring 570.1 sq.mtr. situated at village Mehrun, Tal. & Dist. Jalgaon. Wherein the land admeasuring about 570.1 sq.mtr has been sold for consideration of Rs.48,000/-. The rate of this land comes to Rs.8,41,857/- per hectare.

5) The sale deed dt.04/07/1980 executed between Dr. Prakash Nathmal Kochar & Vasantidevi Prakashchand Lalwani. It is in respect of open land in City Survey No.430/2B, plot No.2, admeasuring 487.7 sq.mtr. situated at Vidya Nagar village Mehrun, Tal. & Dist. Jalgaon. Wherein the open land admeasuring about 487.7 sq.mtr. has been sold for consideration of Rs.90,000/-. The rate of this open land comes to Rs.18,45,396/- per hectare.

23) However there is no evidence on record to show that land under the said sale deed is adjoining to the acquired land or having similar advantageous. Further the sale deeds at Sr. Nos.4 & 5 are in respect of open plots. The applicants' witness have also admitted in cross examination that these sale deeds are in respect of N.A. Plots. Hence these sale instances cannot be considered as comparable sale instances as the acquired properties are agricultural lands.

24) The sale deed at Sr. No.1 is concerned, it is executed on 06/01/1981 whereas the notification u/s.32(2) of the Act has been published on 25/09/1980. Hence it appears that the said sale deed has been executed after publication of notification. Further toward southern side of the land under sale deed there is road. Hence this sale deed is not considered as comparable sale deed.

25) As far as sale deeds dated 22/07/1980 & 05/09/1980 which are at Sr. Nos. 2 & 3 are concerned, it reveals that Jwalaprasad Ramgopal Agrawal has purchased the land in CTS No.24/1 admeasuring about 8 R by sale deed dated 22/07/1980 and the same land has been sold by him to Chandmal Sagarmal Malhara vide sale deed dated 05/09/1980. There is road towards western side and National Highway towards southern side of the land. The land which are adjoining the Road, National Highway are having more advantageous than the lands which are away from the Road and National Highway. Hence price of such lands can be higher than the lands away from the Highway. The lands under the sale deed at Sr. Nos.2 & 3 is having road to its two sides. Except the bare words of the applicants, there is no other evidence on record to show that the acquired land is similarly situated and having similar advantageous as that of land in the sale deeds. Hence the rate of the land under sale deeds cannot be made applicable as it is to the acquired land.

26) On the other hand, the learned counsel for the opponent No.3 has relied upon 17 sale instances of which 8 pertains to village Mehrun, 5 pertains to village Manyarkhede & 4 pertains to village Kusumbe. These sale deeds are placed on record vide Exhs.71 to 87 in L.A.R.No.1081/2006. It is seen from the sale deeds of village Mehrun, approximate per hectare rate is ranging from Rs.14,000/- to Rs.29,629/-. Out of that sale deed Exh.71 is in respect of land survey No.107/1+2+C of which per hectare rate comes to Rs.24,139/-.

27) The chart of sale instances shows average price of land per hectare of the said transactions. It is true that these sale transactions are of the year 1977 to 1980 i.e. prior to the period of notification. It reveals from the price column of the said chart that the lands in the said proximity were sold for Rs.15,000/- to Rs.30,000/- per hectare approximately. The price shown in the chart apparently appears to be unbelievable. However, the corresponding sale-deed copies are furnished by the respondent M.I.D.C. It is surprising to note that claimants have also not challenged the genuineness of said sale-deeds, more particularly on the point of price. Therefore, consideration for these comparable sale instances is invited by the respondent M.I.D.C..

28) On the other hand, the claimants have vehemently attacked this view submitting that when huge Chunk of lands are acquired for setting up industrial township there could be no valid ground to divide the land in different blocks or classes. In the present case, around thousands of acres land was acquired for the purpose of additional M.I.D.C. development. Therefore, uniformity in the class of land was to be maintained while deciding market value of the entire land.

29) However, by applying above stated test and considering the parameters and guidelines issued by Hon'ble High Courts and the Hon'ble Supreme Court, I am of the opinion that the acquired land was agricultural land though it was having future potentiality of N.A. form. Therefore, considering the period of notification in the month of September, 1980 and the agricultural nature of the land without its conversion into N.A. and in view of surrounding development of the said agricultural land, I am of the opinion that the proper market value of the acquired land was to be determined not less than Rs.1,50,000/- per hectare.

30) I do agree averaging of various sale instances produced by the parties, is not warranted to determine the actual market value of the acquired land. The highest comparable sale instance is liable to be considered. In the present case, as I have stated above thousands of acres land was acquired for additional M.I.D.C. development. One end of the junk of land touches to Jalgaon City and National Highway likely to become four lane highway. The other deeper end of the acquired land is far away from the alleged developments. Therefore, considering this peculiar aspect of this big junk of land and for awarding uniform market rate to all land affected persons, I have to consider the very agricultural nature of the acquired dry crop land of the period 1980.

31) The claimants have claimed enhancement up to Rs. 5,50,000/- per hectare in their evidence on affidavits. However, they have not adduced any speaking evidence on point of fertility and the productivity of their lands. Therefore, the market value shown in the said sale instance cannot be treated as same market value of the acquired land of the claimants. Considering all these circumstances and the evidence adduced by the claimants, I am of the opinion that the market value of the acquired lands is liable to be considered as Rs.1,50,000/- per hectare being dry crop land. In such situation, I find it just and proper to fix the market price of the acquired Jirayat lands at the rate of Rs.1,50,000/- per hectare and half rate of this amount i.e. Rs.75,000/- per hectare to the barren land i.e. Potkharab.

32) The claimants are also entitled to claim other statutory benefits i.e. 30% Solatium on the enhanced compensation. Moreover, they are entitled for 12% additional Component from the date of notification till the date of award or possession, whichever is earlier. The learned advocate Mr. Mahajan submitted that the possession of the land was taken between 1983 to 1986. Therefore, the benefit of additional component may be granted from the date of notification till the respective dates of possession. It is well settled that the date whichever is earlier is liable to be considered for awarding the benefit of additional component. The award shows that the possession of the acquired land has been taken on 02/11/1983. The applicants' witnesses in both the LAR's have admitted in their cross examination that the possession of the acquired lands have been taken on the dates mentioned in the award. Hence, as per Section 23(1A) of the Act, the additional component needs to be awarded from the date of publication of notification till the date of taking possession of the land as the possession of the acquired land has been taken prior to declaration of award. I, therefore, answer the issues accordingly and pass the following order.

ORDER

1) The references are partly allowed with proportionate costs.

2) The opponents shall pay to the claimants enhanced compensation for their **acquired lands** as under :

Sr. No.	LAR Nos.	Gat Nos.	Acquired area (H-Ares)	Rate per Hectare (Rs.)
1]	1081/2006	243 P, 1/3 share	1.62 0.33 P.K.	1,50,000/- 75,000/-
2]	1084/2006	243 P, 1/3 share	1.62 0.33 P.K.	1,50,000/- 75,000/-

3) The compensation paid by SLAO for the acquired land be deducted.

4) The opponents shall pay to the applicants, Component on the enhanced market value of land (enhanced land value awarded by the Court less land value already received by the applicants) at the rate of 12% per annum from the date of notification u/s.32(2) of the Maharashtra Industrial Development Act i.e. from 25/09/1980 till the date of possession i.e.02/11/1983 as per section 23 (1-A) of the Act.

5) The opponents shall pay to the applicants 30% Solatium on the enhanced market value of land (enhanced land value awarded by the Court less land value already received by the applicants) as per section 23(2) of the Act.

6) The opponents shall pay to the claimants interest @ 9% per annum for the first year from the date of possession i.e. from 02/11/1983 and, thereafter, @ 15% per annum till the realization of the entire amount.

7) The applicants do pay requisite Court-fees, if any.

8) Bill of costs be prepared accordingly.

9) The original judgment be kept in LAR No.1081/2006 and its true copy be kept in other reference application.

(Dictated and pronounced in the open Court.)

Sd/-XXXXX
(R. S. Bhakare)
4 th Jt. Civil Judge Sr. Div.,
Jalgaon.

Date : 27/09/2017.
JALGAON.