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Decided on : 05.01.2011.
Duration : 14Y.8M.6D.

IN THE COURT OF THE CIVIL JUDGE { S. D. }, AT NILANGA.

(Before : Shri. A. D. Gondane)

1. **L. A. R. No. 698 of 1998.**
(Old LAR No.105/1997)

Exh.No.____.

Chandrakant Sambhaji Birajdar, }
Age Major, Occu. Agriculture, }
R/o Mannatpur (Bada Ghavan), }
Tq. Nilanga, Dist. Latur. } .. **CLAIMANT.**

V E R S U S

1. The State of Maharashtra, }
Through – Collector, Latur. }
2. Executive Engineer, }
Lower Terna Project, }
Division – 2, Latur. } .. **RESPONDENTS.**

2. **L. A. R. No. 699 of 1998.**
(Old LAR No.116/1997)

Narsing s/o Narayan Birajdar, }
Age 65 years, Occu. Agriculture, }
R/o Mannatpur (Bada Ghavan), }
Tq. Nilanga, Dist. Latur. } .. **CLAIMANT.**

V E R S U S

1. The State of Maharashtra, }
Through – Collector, Latur. }

2. Executive Engineer, }
 Lower Terna Project, }
 Division – 2, Latur. } .. RESPONDENTS.

3. L. A. R. No. 700 of 1998.
 (Old LAR No.117/1997)

Ankush s/o Shamrao Birajdar, }
 Age 42 years, Occu. Agriculture, }
 (Died), His L. Rs. :- }

1. Tirupati s/o Ankush Birajdar, }
 Age 21 years, Occu. Agriculture, }

2. Mahesh s/o Ankush Birajdar, }
 Age 18 years, Occu. Agriculture, }

3. Saraswatibai d/o Ankush Birajdar, }
 Age 15 years, Occu. Agriculture, }
 Minor, U/G of mother Limbubai, }

4. Sindubai d/o Ankush Birajdar, }
 Age 12 years, Occu. Agriculture, }
 Minor, U/G of mother Limbubai, }

5. Limbubai w/o Ankush Birajdar, }
 Age 45 years, Occu. Agriculture, }

All R/o Mannatpur (Bada Ghavan), }
 Tq. Nilanga, Dist. Latur. } .. CLAIMANTS.

V E R S U S

1. The State of Maharashtra, }
 Through – Collector, Latur. }

2. Executive Engineer, }
 Lower Terna Project, }
 Division – 2, Latur. } .. RESPONDENTS.

4. **L. A. R. No. 701 of 1998.**
(Old LAR No.118/1997)

Vasant s/o Ravan Patil,	}	
Age 50 years, Occu. Agriculture,	}	
(Died) <u>His L. Rs. :-</u>	}	
	}	
1. Gayabai w/o Vasantryao Patil,	}	
Age 40 years, Occu. Agriculture,	}	
	}	
2. Pratap s/o Vasantryao Patil,	}	
Age 30 years, Occu. Agriculture,	}	
	}	
3. Jaganath s/o Vasantryao Patil,	}	
Age 22 years, Occu. Agriculture,	}	
	}	
All R/o Mannatpur (Bada Ghavan),	}	
Tq. Nilanga, Dist. Latur.	}	.. <u>CLAIMANTS.</u>

V E R S U S

1. The State of Maharashtra,	}	
Through – Collector, Latur.	}	
	}	
2. Executive Engineer,	}	
Lower Terna Project,	}	
Division – 2, Latur.	}	.. <u>RESPONDENTS.</u>

5. **L. A. R. No. 702 of 1998.**
(Old LAR No.120/1997)

Yadav s/o Shankar Birajdar,	}	
Age 70 years, Occu. Agriculture,	}	
R/o Mannatpur (Bada Ghavan),	}	
Tq. Nilanga, Dist. Latur.	}	.. <u>CLAIMANT.</u>

V E R S U S

1. The State of Maharashtra, }
Through – Collector, Latur. }
2. Executive Engineer, }
Lower Terna Project, }
- Division – 2, Latur. } .. RESPONDENTS.

6. L. A. R. No. 703 of 1998.
(Old LAR No.122/1997)

- Sidram s/o Shamrao Biradar, }
Age 56 years, Occu. Agriculture, }
R/o Mannatpur, Tq. Nilanga, }
Now Occu. Service, R/o Ekoji-Mudgad, }
Tq. Nilanga. } .. CLAIMANT.

V E R S U S

1. The State of Maharashtra, }
Through – Collector, Dist. Latur. }
2. Spl. L.A.O. (P.T. & I.T.), }
Latur. }
3. Executive Engineer, }
Lower Terna Project, }
- L. B. Canal, Latur. } .. RESPONDENTS.

7. L. A. R. No. 758 of 1998.
(Old LAR No.150/1997)

- Narayan s/o Sadashiv Birajdar, }
Age 50 years, Occu. Agriculture, }
(Died) His L. Rs. :- }
- Baburao s/o Narayan Birajdar, }
Age 50 years, Occu. Agriculture, }
R/o Mannatpur (Bada Ghavan), }
- Tq. Nilanga, Dist. Latur. } .. CLAIMANT.

V E R S U S

- | | |
|------------------------------|---------------------------------|
| 1. The State of Maharashtra, | } |
| Through – Collector, Latur. | } |
| | } |
| 2. Executive Engineer, | } |
| Lower Terna Project, | } |
| Division – 2, Latur. | } .. <u>RESPONDENTS.</u> |

CLAIM :- Reference under Section 18 of the L. A. Act.

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Mr. S. T. Manale, Advocate for the claimants.

Mr. G. T. Deshmukh, A.G.P. for the respondent No.1.

Mr. V. S. Pawar, Advocate for the respondent No.2.

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COMMON JUDGMENT.**(Delivered on 05.01.2011)**

1. The facts set-out by the claimants in land acquisition references under Section 18 of the Land Acquisition Act, are briefly stated as under :-

- That, the claimant Chandrakant Birajdar in L.A.R. No.698/1998 was the owner of acquired land Gut/Survey No.30 admeasuring 14 R. The claimant Narsing in L.A.R.No.699/1998 was the owner of acquired land Gut/Survey No.30 admeasuring 16 R. The deceased claimant Ankush Birajdar in L.A.R.No.700/1998 was the owner of acquired land Gut/Survey No.4/A admeasuring 46 R. The deceased claimant Vasant Patil in L.A.R.No.701/1998 was the owner of acquired land Gut/Survey No.31 admeasuring 96 R. The claimant Yadav Birajdar in L.A.R.No.702/1998 was the owner of acquired land Gut/Survey No.4/A admeasuring 24 R.

The claimant Sidram Birajdar in L.A.R.No.703/1998 was the owner of acquired land Gut/Survey No.4/A to the extent of 44 R. The claimant Narayan Birajdar in L.A.R.No.758/1998 was the owner of acquired land Gut/Survey No.28 admeasuring 10 R. It is averred that the acquired lands in question are situated in village Mannathpur, Tq. Nilanga and said lands were acquired by the Government for the construction of Left Bank Canal, Lower Terna Project. It is averred that the State of Maharashtra has issued notification under Section 4 of the Land Acquisition Act and thereafter the Land Acquisition Officer initiated acquisition proceeding. It is averred that the Land Acquisition Officer without considering potentiality and fertility of acquired lands determined compensation @ Rs.320/- per R., however, the claimants have claimed market price in respect of acquired lands Rs.60,000/- per acre. It is averred that the acquired lands of the claimants were black, rich cotton soil, having depth more than 20 ft. and were irrigated by well water and were growing Kharip and Rabi crops, such as groundnut, sunflower, jawar, wheat, paddy, khapli, chilly etc. and were getting annual income Rs.6,000/- to Rs.7,000/- per year. It is averred that the claimants have got knowledge of award on 21.12.1995 when they withdrawn the amount of compensation under protest. It is averred that the references filed by claimants are within limitation.

2. The claimant Chandrakant Birajdar in L.A.R.No.698/1998 has claimed additional compensation Rs.13,240/-. The claimant Narsing Birajdar in L.A.R.No.699/1998 has claimed additional compensation Rs.15,143/-. The claimant Ankush in

L.A.R.No.700/1998 has claimed additional compensation Rs.86,920/-, including the compensation for mango trees, sandalwood trees, jujube tree, tamarind trees, jamun trees and lemon trees. The claimant Vasant Patil in L.A.R.No.701/1998 has claimed additional compensation Rs.90,352/-. The claimant Yadav Birajdar in L.A.R.No.702/1998 has claimed additional compensation Rs.45,235/-. The claimant Sidram Birajdar in L.A.R.No.703/1998 has claimed additional compensation Rs.98,891/-. The claimant Narayan Birajdar in L.A.R.No.758/1998 has claimed additional compensation Rs.9,118/-. All the claimants also have claimed 30% solatium and 12% third component and interest @ 9 and 15% per annum on the claim amount.

3. The notices are issued to the respondents. The respondent No.1 and 2 appeared and they have filed their written statements below Exh.19 and 28. The respondents in their written statements have submitted that the acquired lands are medium type quality and the claimants were taking only Kharip crop from the acquired lands and there is no permanent source of water to irrigate the acquired lands. The respondents in their written statements further submit that the claimants have not produced any documentary evidence regarding quality, fertility and productivity of acquired lands and also not produced any document regarding annual income of claimants from the acquired lands. The respondents further submit in their written statements that the Land Acquisition Officer prior to passing of award personally visited the acquired land and verified existing

surrounding circumstances of the vicinity and locality of the acquired lands. The respondents further submit that the Land Acquisition Officer after making enquiry from neighbours and considering the location and situation of the acquired land and considering quality, fertility and productivity of acquired lands passed reasonable award. The respondents further submit that the Land Acquisition Officer has also obtained price index from the concerned Sub-Registrar's Office while determining the market value of acquired lands. The respondents further submit that the claimants have not replied the notices issued by Land Acquisition Officer under Section 6 and 9 of the Land Acquisition Act. The respondents further submit that the claimants have not withdrawn the amount of compensation without any protest, therefore, they are not legally entitled to claim enhancement of compensation. The respondents further submit in their written statements that the reference-petitions filed by claimants are not within the period of limitation, therefore, they are liable to be dismissed.

4. On perusal of the reference-petitions filed by claimants and after perusal of the written statements filed by respondents and after perusal of the documents submitted on record, issues are framed on 29.12.2000 vide below Exh.10 and re-casted on 17.06.2010 below Exh.20.

5. After perusal of the pleading in references filed by claimants and after perusal of the written statements filed by respondents and after scrutiny of evidence of claimants and after inspection of the documents exhibited in the evidence of claimants

and scrutiny of evidence submitted by respondents, following issues arise for my determination, to which I proceed to record findings thereon stated as under :-

<u>I S S U E S</u>	<u>F I N D I N G S</u>
1) Do the claimants prove that the compensation awarded by Land Acquisition Officer is inadequate ?	In the affirmative.
2) What was the market price of acquired lands at the time of issuance of notification under Section 4 of the Land Acquisition Act ?	Rs.550/- per R.
3) What was the market value of trees standing of acquired lands at the time of issuance of notification ?	As per awarded by L.A.O.
4) Whether land references are within limitation ?	In the affirmative.
5) What order as to costs & decree ?	References are partly allowed.

R E A S O N S

As to issue No.1 :-

6. In this proceeding, the claimants approached to the Court with allegations that the Land Acquisition Officer awarded meagre amount of compensation to them @ Rs.320/- per R. which is highly inadequate, however, the market price of acquired lands at the time of issuance of notification was Rs.60,000/- per acre.

Now, the question before me is that whether compensation awarded by the Land Acquisition Officer to the claimants is inadequate. On perusal of the award relied upon by the claimants below Exh.24, it appears to me that the Land Acquisition Officer declared the award on 21.09.1995. The award also discloses that the Land Acquisition Officer classified the acquired lands in four categories on the basis of land revenue and also has collected the sale instances in the vicinity and comparing land revenue of acquired lands and the land in sale instances, the Land Acquisition Officer determined the market price by adopting capitalization method.

7. While dealing with the question, I would like to state that the Hon'ble Apex Court has laid down guidelines for determining the market price of acquired land by various judgment, for which we have to refer a decision reported in **JT. 1995 (6) SUPREME COURT 274 – Union of India Vs. Shri Shivkumar Bhargava & others.** In that decision our Apex Court has laid down The Acid Test for determining the market price of acquired land at the time of issuance of notification under Section 4 of the Land Acquisition Act. The Acid Test is that the arm chair of willing vendor would offer and a prudent willing buyer would pay the price to the willing vendor considering the prevailing conditions of fertility of land, location and suitability of suit and existing potentiality of the land.

8. While dealing with the question, we have to rely upon a decision of our Hon'ble Apex Court reported in **2003 AIR SCW**

1491 – Ravindra Narayan Vs. Union of India. In that decision, our Apex Court has laid down the guidelines about factors essential for sale to be comparable executed within reasonable time of the date of notification under Section 4 of the Land Acquisition Act. These factors are comparable sale would be bonafide transaction and adjacent to acquired land having similar advantage. Certain guidelines are required to be followed for determination of market price of land. However, on perusal of award below Exh.24, it appears to me that the Land Acquisition Officer has not considered any genuine comparable sale instance of nearest land at the time of issuance of notification under Section 4 of the Land Acquisition Act and awarded compensation to the claimants on the basis of classification of land revenue, which appears to me that the compensation is not awarded adequately by Land Acquisition Officer. Hence, I proceed to record finding of issue No.1 is in the affirmative.

As to issue No.2 :-

9. Now, we have to proceed to dealt with the question that what is the market price of acquired land at the time of issuance of notification under Section 4 of the Land Acquisition Act, for which we have to consider the comparable and genuine sale instance of the nearest land comparing potentiality and fertility of acquired land and potentiality and fertility of land in sale instances brought on record by the claimants as well as by the respondents and also have to consider the evidence led by the claimants.

10. The claimants in support of their claim have examined witness Tirupati Birajdar, who is son of claimant Ankush in L.A.R. No.700/1998. The witness Tirupati deposed in his evidence that his father was the owner of acquired land. The claimant further deposed that his land and lands of other claimants also acquired by the State for construction of Left Bank Canal of Lower Terna Project. The claimant further deposed that after issuance of notification by the State of Maharashtra under Section 4 of the Land Acquisition Act, the Land Acquisition Officer initiated acquisition proceeding. The claimant further deposed that his land and lands of other claimants were irrigated land. The claimant further deposed that the Land Acquisition Officer has awarded meagre amount of compensation to them @ Rs.320/- per R., therefore, they have received the amount of compensation under protest. The claimant further deposed in his evidence that the market price of acquired lands at the time of issuance of notification was Rs.60,000/- per acre. The claimant further deposed that the witness Tirupati and other claimants were cultivating Kharip and Rabi crops, such as sugarcane, chilly, groundnut etc. The witness Tirupati further deposed that the claimants also entitled to claim compensation for mango trees Rs.10,000/-, for sandalwood trees Rs.30,000/-, for jujube trees Rs.10,000/-, for tamarind trees Rs.10,000/-, for lemon trees Rs.10,000/- and for jamun trees Rs.5,000/-. The claimant further deposed that they have withdrawn the amount of compensation under protest on 21.12.1995. The claimant in support of his claim has exhibited judgment of Reference Court in L.A.R.No.738/1998 below Exh.42. The claimant is also relying upon sale instances

Exh.43, 44 and 45 in respect of lands situated in village Nilanga. The State also has relied upon sale instances below Exh.51 and 52, which are in respect of land situated in village Mannathpur. The evidence of the claimant is challenged by the respondents. The cross-examination suggests that the village Mannathpur is adjoining to taluka place Nilanga, which is about one and half kilometer away from Nilanga city. The cross-examination suggests that acquired lands of the claimants were jirayati lands and claimants have not withdrawn the amount of compensation with protest. The cross-examination also suggests that the references filed by claimants are not within limitation. The cross-examination also suggests that the claimants were not cultivating bagayati crops on the acquired lands.

11. In this case learned counsel of the claimants has argued before me that the Reference Court has already determined the market price of land in the same village, which were acquired for the same purpose. Now, the question before me is that whether price determined by Reference Court in L.A.R.No.738/1998 is just and adequate and the said judgment is appears to be good guide for determination of market price. On perusal of the judgment below Exh.42, it appears to me that the Reference Court has relied upon the sale instances in respect of land situated in taluka place Nilanga. On perusal of the judgment, it appears to me that the respondents had no occasion to place their evidence. However, in the present proceeding the respondents have relied upon the sale instance Exh.51 is appears to me that it is in respect

of land situated in the same village Mannathpur. Therefore, I do not rely upon the judgment of the Reference Court in L.A.R. No.738/1998.

12. On perusal of the sale instances relied upon by the claimant below Exh.43, it appears to me that it is in respect of land bearing survey No.6 situated in village Nilanga, which is purchased by Promoter of Market Committee – Kashinathappa Manthale and others from Nilkanth Ansarwadekar for the construction of Shri. Nilkantheshwar Market Committee, Nilanga. On perusal of sale instance Exh.44, it appears to me that the said land is within the area of Municipal Council, Nilanga, which is in the heart of city. On perusal of sale instance Exh.45, it appears to me that the land in sale instance is also situated within the area of Municipal Council, Nilanga. However, on perusal of sale instance relied upon by the respondents below Exh.51, it appears to me that it is in respect of land situated in village Mannathpur, which is situated in the vicinity of acquired land. On perusal of sale instance Exh.51, it appears to me that it is executed on 26.06.1990 for the consideration of Rs.1,52,500/-, which is executed by Janimiya in favour of Vatsalabai in respect of land admeasuring 3 H. 05 R. Thus, after scrutiny of evidence of claimants' witness and after inspection of the sale instances relied upon by the claimants below Exh.43, 44 and 45, it appears to me that these sale instances are within the command area of Municipal Council, Nilanga. Therefore, these sale instances are executed for purchase of land for construction of houses. However, the land in sale instance relied upon by the respondents below Exh.51 is situated in village

Mannathpur. Therefore, I accept the sale instance relied upon by respondents below Exh.51 being it is comparable and genuine sale instance. Therefore, I refuse to accept the sale instances relied upon by the claimants below Exh.43, 44 and 45. It appears to me that the sale instance Exh.51 is in respect of jirayati land. On perusal of the sale instance Exh.51, it appears to me that it is executed one year prior to the issuance of notification. Therefore, judicial notice is taken by me that the market price of agricultural land increased by 10% per annum. Therefore, I modify the price of sale instance by increasing 10% value and determine the market price of jirayati land Rs.550/-.

13. Now, we have to proceed to dealt with the question that what was the potentiality and fertility of acquired land at the time of issuance of notification under Section 4 of the Land Acquisition Act, for which we have to consider the entries in the 7/12 extract disclosing the fact that what crops were cultivating by claimants at the time of issuance of notification under Section 4 of the Land Acquisition Act, for which we have to take recourse to the entries in the 7/12 extract exhibited in the evidence of claimants' witness. On perusal of entries in the 7/12 extract below Exh.32, it appears to me that the claimant Ankush in L.A.R.No.700/1998 was cultivating hybrid jawar, moog, udid and piwala jawar crop during the year 1991-92, which do not discloses that the claimant was cultivating irrigated crops. Therefore, it appears to me that the acquired land of claimant Ankush, land survey No.4/A admeasuring 46 R. was jirayati land. On perusal of entries below

Exh.33, it appears to me that the claimant Narsing in L.A.R. No.699/1998 was cultivating hybrid jawar during the year 1991-92, which clearly appears to me that the claimant was cultivating jirayati crops. Therefore, I am is of opinion that the acquired land of claimant Narsing bearing land survey No.30 admeasuring 16 R. was jirayati land. On perusal of Exh.34, it appears to me that the claimant Vasant in L.A.R.No.701/1998 was cultivating udid and moog crop, which clearly appears to me that the claimant was cultivating jirayati crops, which clearly appears to me that the acquired land of claimant Vasant Patil bearing land Gut No.31 was jirayati land. On perusal of Exh.35, it appears to me that the claimant Sidram during the year 1991-92 was cultivating hybrid jawar and moog and udid crop on acquired land Gut/Survey No.4/A, which clearly appears to me that the acquired land of claimant Sidram was jirayati land. On perusal of 7/12 extract Exh.36, it appears to me that the claimant Yadav in L.A.R.No.702/1998 was cultivating hybrid jawar, piwala jawar, udid and moog crop during the year 1991-92, which clearly appears to me that the acquired land of claimant Yadav was jirayati land. On perusal of entries below Exh.37, it appears to me that claimant Chandrakant in L.A.R.No.698/1998 was cultivating udid and moog crop during the year 1991-92, which appears to me that it was jirayati land. On perusal of entries in the 7/12 extract below Exh.38, it appears to me that the claimant Narayan in L.A.R.No.758/1998 was cultivating hybrid jawar and toor crop during the year 1991-92, which clearly appears to me that the acquired land of the claimant was jirayati land.

14. After careful scrutiny of evidence of claimant and after inspection of the documents exhibited in the evidence of claimant as well as after inspection of the documents submitted by respondents and after considering comparable and genuine sale instance below Exh.51, I determine the market price of acquired land Gut/Survey No.30 admeasuring 14 R. belongs to claimant Chandrakant in L.A.R.No.698/1998 Rs.7,700/-. I determine the market price of acquired land Gut/Survey No.30 admeasuring 16 R. belongs to claimant Narsing in L.A.R.No.699/1998 Rs.8,800/-. I determine the market price of acquired land Gut/Survey No.4/A admeasuring 46 R. belongs to deceased claimant Ankush in L.A.R.No.700/1998 Rs.25,300/-. I determine the market price of acquired land Gut/Survey No.31 admeasuring 92 R. belongs to deceased claimant Vasant in L.A.R.No.701/1998 Rs.50,600/-. I determine the market price of acquired land Gut/Survey No.4/A admeasuring 24 R. belongs to claimant Yadav in L.A.R.No.702/1998 Rs.13,200/-. I determine the market price of acquired land Gut/Survey No.4/A admeasuring 44 R. belongs to claimant Sidram in L.A.R.No.703/1998 Rs.24,200/-. I determine the market price of acquired land Gut/Survey No.28 admeasuring 10 R. belongs to deceased claimant Narayan in L.A.R.No.758/1998 Rs.5,500/- and proceed to record finding of issue No.2 accordingly.

As to issue No.3 :-

15. In this proceeding claimant Ankush has claimed additional compensation Rs.10,000/- for mango trees, compensation Rs.30,000/- for seven sandal-wood trees, compensation

Rs.10,000/- for ten jujube trees, compensation Rs.10,000/- for two tamarind trees, compensation Rs.10,000/- for four lemon trees and compensation Rs.5,000/- for two jamun trees. Though the claimants' witness Tirupati deposed in his evidence that trees have been standing on the acquired land, the claimants have not prepared it's valuation report from expert witness nor they have brought any evidence of expert to show that they are entitled to claim compensation for standing trees as prayed. Therefore, it appears to me that the claimant Ankush is not entitled to compensation for trees as prayed. Hence, I proceed to record finding of issue No.3 is accordingly.

As to issue No.4 :-

16. Now, we have to proceed to deal with the question as to whether claimant have filed land acquisition reference within limitation. While dealing with the question, I would like to state that the provision of Section 18 of Land Acquisition Act contemplates that claimant has to file reference for enhancement of compensation within six months from the date of award. While dealing with the question, we have to take recourse to a judgment of our Hon'ble Apex Court reported in **A. I. R. 1961 SUPREME COURT 1500 – in Raja Harish Chandra Raj Singh -vs- The Deputy Land Acquisition Officer.** In that decision our Apex Court has laid down the principle that the knowledge of the award must be construed as knowledge of the contents of the award and when the amount of compensation is withdrawn by claimant under protest, the knowledge of award also has to be considered for computing the period of limitation. While dealing with question,

we have to refer to a decision reported in **Amal Rambhau Arjun Vs. State of Maharashtra - reported in – 2000 (4) Mh. L. J. 302.**

In that decision Their Lordship of our Bombay High Court has laid down the principles that the oral protest by claimant while receiving compensation does not disentitle making of application under Section 18 of the Land Acquisition Act. From the principles laid down by our Lordship of Bombay High Court, it appears that the evidence of claimant regarding oral protest is sufficient to consider that the claimant has received compensation under protest. On perusal of evidence of claimant's witness Tirupati, it appears to me that they received the amount of compensation under protest is sufficient to reach me to a conclusion that the period of limitation starts from the date of withdrawal of compensation amount under protest. On perusal of reference-petitions, it appears to me that claimants have filed reference-petitions on 17.01.1996 and amount is withdrawn by claimants under protest on 21.12.1995. It appears to me that the reference-petitions filed by claimants are within limitation. Therefore, I proceed to record finding of issue No.4 is in the affirmative and pass the following order :-

ORDER

1. The land acquisition references are hereby partly allowed with proportionate costs.
2. The claimant in L.A.R.No.698/1998 namely Chandrakant is entitled to recover

excessive amount of compensation Rs.7,700/- (Rs. Seven thousand and seven hundred), the market price with 30% solatium and 12% interest from the date of notification under Section 4 of the Land Acquisition Act till the date of award, from 10.01.1992 to 21.09.1995, after deducting the compensation received by claimant from the Land Acquisition Officer, Rs.7,750/-.

3. The claimant in L.A.R.No.699/1998 namely Narsing is entitled to recover excessive amount of compensation Rs.8,800/- (Rs. Eight thousand and eight hundred), the market price with 30% solatium and 12% interest from the date of notification under Section 4 of the Land Acquisition Act till the date of award, from 10.01.1992 to 21.09.1995, after deducting the compensation received by claimant from the Land Acquisition Officer, Rs.8,857/-.

4. The L. Rs. of deceased claimant Ankush in L.A.R.No.700/1998 namely Tirupati, Mahesh, Saraswatibai, Sindubai and Limbubai are entitled to recover excessive

amount of compensation Rs.25,300/- (Rs. Twenty-five thousand and three hundred), the market price with 30% solatium and 12% interest from the date of notification under Section 4 of the Land Acquisition Act till the date of award, from 10.01.1992 to 21.09.1995, after deducting the compensation received by claimant from the Land Acquisition Officer, Rs.25,466/-.

5. The L. Rs. of deceased claimant Vasant in L.A.R.No.701/1998 namely Gayabai, Pratap and Jaganath are entitled to recover excessive amount of compensation Rs.50,600/- (Rs. Fifty thousand and six hundred), the market price with 30% solatium and 12% interest from the date of notification under Section 4 of the Land Acquisition Act till the date of award, from 10.01.1992 to 21.09.1995, after deducting the compensation received by claimant from the Land Acquisition Officer, Rs.47,748/-.

6. The claimant in L.A.R.No.702/1998 namely Yadav is entitled to recover excessive amount of compensation

Rs.13,200/- (Rs. Thirteen thousand and two hundred), the market price with 30% solatium and 12% interest from the date of notification under Section 4 of the Land Acquisition Act till the date of award, from 10.01.1992 to 21.09.1995, after deducting the compensation received by claimant from the Land Acquisition Officer, Rs.13,286/-.

7. The claimant in L.A.R.No.703/1998 namely Sidram is entitled to recover excessive amount of compensation Rs.24,200/- (Rs. Twenty-four thousand and two hundred), the market price with 30% solatium and 12% interest from the date of notification under Section 4 of the Land Acquisition Act till the date of award, from 10.01.1992 to 21.09.1995, after deducting the compensation received by claimant from the Land Acquisition Officer, Rs.24,358/-.

8. The L. Rs. of deceased claimant Narayan in L.A.R.No.758/1998 namely Baburao is entitled to recover excessive amount of compensation Rs.5,500/- (Rs. Five thousand and five hundred), the market

price with 30% solatium and 12% interest from the date of notification under Section 4 of the Land Acquisition Act till the date of award, from 10.01.1992 to 21.09.1995, after deducting the compensation received by claimant from the Land Acquisition Officer, Rs.5,882/-.

9. The claimants also do recover the interest @ 9% for one year from the date of notification dated 10.01.1992 till 09.01.1993 and thereafter interest @ 15% per year for subsequent years till depositing the amount by respondents in Court.

10. Deficit court-fee be recovered from the claimant, if any.

11. Award be drawn accordingly.

Date : 05.01.2011.

(A. D. Gondane)
Civil Judge Senior Division,
Nilanga.
