

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**FIRST APPEAL NO. 546 OF 2011**

Maharashtra Industrial Development Corporation, having its office at Marol Industrial Estate, Andheri East, Mumbai and having its Regional Office at By pass road, Amravati, through its Chief Executive Officer.

.... **APPELLANT**

**// VERSUS //**

- 1) Babarao Shamrao Jirapure,  
Aged about 60 years, Occ. Agriculturist,  
R/o. Gandhi Chowk, Yavatmal,  
District Yavatmal,
- 2) Krushnarao Shamrao Jirapure,  
Aged about 50 years, Occ. Agriculturist,  
R/o. Gandhi Chowk, Yavatmal,  
District Yavatmal.
- 3) State of Maharashtra,  
Through Collector, Yavatmal.
- 4) Spl. Land Acquisition Officer, & S D O  
Yavatmal.

.... **RESPONDENTS**

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Shri Sharad Thakare, Advocate for the appellant.  
Shri Abhay Sambare, Advocate for the respondent No.1 and 2.  
Ms Ritu Kalia, AGP for the respondent Nos.3 and 4.

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**AND**

**FIRST APPEAL NO. 1013 OF 2009**

- 1) Babarao S/o Shamrao Jirapure,  
Aged about 57 years, Occ. Agriculturist,

- 2) Krushnarao S/o Shamrao Jirapure,  
Aged about 47 years, Occ. Agriculturist,  
Both R/o. Gandhi Chowk, Yavatmal,  
District Yavatmal.

.... **APPELLANTS**

**// VERSUS //**

- 1) The State of Maharashtra,  
through its Collector, Yavatmal.
- 2) Special Land Acquisition Officer,  
& S. D.O., Yavatmal.
- 3) The Executive Engineer,  
Maharashtra Industrial Development  
Corporation, M.I.D.C. Area  
Yavatmal.

.... **RESPONDENTS**

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Shri Abhay Sambare, Advocate for the appellants.  
Shri Sharad Thakare, Advocate for the respondent No.3.  
Shri Ritu Kalia, AGP for the respondent Nos.1 and 2.

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**CORAM : MADHAV J. JAMDAR, J.**

**DATED : 13<sup>th</sup> March, 2020**

**ORAL JUDGMENT :**

1. Heard Shri Sharad Thakare, learned Advocate for the appellant in First Appeal No.546/2011 and Shri Abhay Sambare, learned Advocate for the appellants in First Appeal No.1013/2009. By the impugned judgment and award in both the First Appeals the challenge is to compensation of Rs.2 Lakhs Per Hectare for 4.92 H.R.

for cultivable land and Rs.1 Lakh Per Hectare for 0.65HR Pot Kharab land out of field Gut No.5 as granted by learned Joint Civil Judge, Senior Division, Yavatmal by judgment and award dated 04.03.2009 in L.A.C. No.100/2001 and thus, the reference filed under Section 34 of the Maharashtra Industrial Act, 1961 read with Section 18 of Land Acquisition Act 1894 was partly allowed.

2. The First Appeal No.546/2011 has been filed by Maharashtra Industrial Development Corporation challenging the enhancement of the compensation as the compensation awarded by the Land Acquisition Officer was Rs.58,439/- Per Hectare for 4.92 H.R. cultivable land and Rs.1,500/- Per Hectare for 0.65 H.R. Pot Kharab land. The First Appeal No.1013/2009 has been filed by the original petitioner seeking enhancement of the compensation from the compensation awarded in the reference.

3. The learned Advocates of both the parties state that the dispute is covered by the common judgment of this Court passed in First Appeal No.56/2006 alongwith connected appeals. Both the Advocates further state that the rate as determined in First Appeal No.1037 of 2009 with cross-objection No.8 of 2016 will be applicable to the present case by which rate of Rs.1,80,000/- Per Hectare was granted for cultivable land and Rs.90,000/- Per Hectare for Pot Kharab

land was granted. Both the Advocates state that these appeals be disposed of by granting the said rate. Both the Advocates state that the land bearing Survey No.4/4 was subject matter of said First Appeal No.1037 of 2009 which is similarly situated in all respects to the land involved in the present First Appeals.

4. In view of above admitted position, the clause No.1 of judgment and award dated 04.03.2009 passed by learned Joint Civil Judge, Senior Division, Yavatmal in L.A.C. No.100/2001 is quashed and set aside and it is directed that the appellant - Maharashtra Industrial Development Corporation, Amravati shall pay to the respondent Nos.1 and 2 in First Appeal No.546/2011, compensation @ Rs.1,80,000/- Per Hectare for 4.92 H.R. cultivable land and Rs.90,000/- Per Hectare for 0.65 H.R. Pot Kharab land out of field Gut No.5. The impugned Judgment and Award of the Reference Court is modified in above terms and other directions pertaining to solatium, additional component and interest are maintained. The Maharashtra Industrial Development Corporation, Amravati to deposit the amount as per the above rate excluding the amount already deposited by them in this Court within a period of four months from today and the respondent Nos.1 and 2 – claimants in First Appeal No.546/2011 are entitled to withdraw the same alongwith the accrued interest.

5. In view of above, the First Appeal No.546/2011 filed by the Maharashtra Industrial Development Corporation, Amravati is partly allowed in aforesaid terms and First Appeal No.1013/2009 filed by the appellants – claimants is dismissed.

No order as to costs.

**(MADHAV J. JAMDAR, J.)**

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