

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

FIRST APPEAL NO.1404 OF 2019

Appellant : **Bhiku s/o Chandu Jadhao,**
(Original Applicant/
Claimants on R.A.) Aged about 75 years, Occ: Agriculturist,
R/o Ghamapur, Tah. Umarkhed,
District Yavatmal.

-- Versus --

Respondents : **1] The Collector, Yavatmal,**
(Original N.A. on R.A.) Tah. & District Yavatmal.

2] The Executive Engineer,
Minor Irrigation Department, Pusad,
District Yavatmal.

3] The Special Land Acquisition Officer,
Lower Pus Project, Pusad,
Tah. Pusad, District Yavatmal.

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Shri V.N. Patre, Advocate for the Appellant.
Ms. T.H. Udeshi, A.G.P. for Respondent Nos.1 & 3.
Shri R.C. Raibhandare, Advocate for Respondent No.2.

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CORAM : **SMT. ANUJA PRABHUDESSAI, J.**
DATE : **16nd FEBRUARY, 2021.**

ORAL JUDGMENT :-

The appellant herein has challenged the judgment and award, dated 21/04/2008 passed by the Reference Court, Pusad in LAC No.414/2002.

02] The land belonging to the appellant, admeasuring 2.02 hectares from Survey No.61 of Village Ghamapur, was acquired for Amdapur Project. Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act' for short) was issued on 20/02/1997 and the award under Section 11 was passed on 19/06/2000. The Land Acquisition Officer awarded compensation at the rate of Rs.60,000/- per hectare. Being dissatisfied with the quantum of compensation, the appellant sought reference under Section 18 of the Land Acquisition Act claiming enhanced compensation at the rate of Rs.2,50,000/- per hectare. The Reference Court, after considering the evidence on record, enhanced the compensation to Rs.47,000/- per hectare. Being aggrieved by the impugned judgment and award, the appellant has filed this appeal under Section 54 of the Act.

03] Shri V.N. Patre, learned Counsel for the appellant states that in a connected matter, arising from the same notification, this Court by judgment, dated 03/10/2019 in First Appeal No.1330/2008 has enhanced compensation to Rs.1,66,000/- per hectare. Learned Counsel for the appellant further states that the subject land as well as the land which was the subject matter of First Appeal No.1330/2008, are situated in the same village and are of similar nature. This statement is not disputed by learned Counsel for the respondent-

Acquiring Body. In view of this admitted fact situation, this appeal can be decided on the basis of the judgment in First Appeal No.1330/2008, wherein this Court, after considering the decision of the Apex Court in Chindha Fakira Patil (dead) through Lrs. vs. Special Land Acquisition Officer, Jalgaon - 2012 (2) Mh.L.J. 530, has awarded compensation at the rate of Rs.1,66,000/- per hectare in respect of the irrigated land.

04] Under the circumstances and for the reasons stated in the judgment, dated 03/10/2019, the following order is passed :

- i. The appeal is allowed.
- ii. The appellant is entitled for compensation at the rate of Rs.1,66,000/- per hectare with all other statutory benefits, in respect of 2.02 hectare of land, which has been classified as an irrigated land.
- iii. The judgment and award, dated 21/04/2008, passed by the Reference Court in L.A.C. No.414/2002 stands modified accordingly.
- iv. The Respondent-Acquiring Body to deposit the balance amount before this Court within a period of four months.
- v. The appeal stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)