

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**FIRST APPEAL NO. 1392 OF 2008**

**Appellants/Ori. Non-Applicants (On R.A.) :-**

1. The State of Maharashtra through its Collector,  
Yavatmal, District Yavatmal.
2. Special Land Acquisition Officer,  
Benefitted Zone, Yavatmal.
3. The Executive Engineer, Medium  
Project Division, Yavatmal.

**... Versus ...**

**Respondent/Ori. Applicant (On. R.A.) :-**

Gulab Sitaram Sidam,  
Aged about 60 years,  
Occ- Agriculturist, R/o. Wai,  
Tq- Kelapur, Dist- Yavatmal.

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Shri M.A. Kadu, AGP for the State.

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**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATE OF JUDGMENT : 22<sup>nd</sup> JANUARY, 2021**

**P.C.**

The appeal is directed against the judgment and award dated  
21/02/2005 passed by the Reference Court, Kelapur in L.A.C. No.601/2002.

02] The respondent was the owner of Gat No.4/1-B admeasuring 1.17 hectares situated at village Wai. The said land was acquired for construction of drainage. Notification under Section 4 (1) of the Land Acquisition Act was published on 01/08/1996 and Award under Section 11 was declared on 24/02/2000. The Land Acquisition Officer had determined the rate of the acquired land at the rate of Rs.35,000/- per hectare. Dissatisfied with the quantum of compensation, the respondent sought reference under Section 18 of the Land Acquisition Act. The Reference Court after considering the evidence on record, determined the compensation for the acquired land at the rate of Rs.80,000/- per hectare. Being aggrieved by this judgment and award, the State has filed this appeal.

03] Heard Shri M.A. Kadu, learned AGP for the State. Learned AGP states that the compensation determined by the Reference Court does not exceed four times the compensation awarded by the Land Acquisition Officer. He states that as per the Government Resolution dated 23/02/2017, the State has taken a decision not to challenge such awards.

04] I have perused the records. Paragraph 11 of the impugned judgment indicates that the Reference Court had enhanced the compensation based on the previous judgment (Exh.31) of the Reference Court in respect of the land under Survey Nos.23 and 61 of the same village which were acquired by Notification dated 10/12/1987. The Reference

Court has considered the similarity as well as the location of the acquired land vis-a-vis the land which is the subject-matter of Exh.31 and upon considering all the relevant facts, I have determined the compensation at the rate of Rs.80,000/- per hectare. There is no perversity or infirmity in the impugned judgment. Hence, the appeal has no merits and accordingly dismissed.

05]       The respondent is entitled to withdraw the amount deposited by the appellants along with accrued interest thereon.

**(SMT. ANUJA PRABHUDESSAI, J.)**

*vijay*