

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

FIRST APPEAL NO.231 OF 2021

APPELLANT: Chandrashekhar Mahadeo Parsodkar,
On R.A. Aged 78 years, Occ: Agriculturist,
R/o Pusad, Tq. Pusad, Distt. Yavatmal.

... Versus ...

RESPONDENTS: 1. The State of Maharashtra
On R.A. Through Collector, Yavatmal.
Tq. & Distt. Yavatmal.

2. The Special Land Acquisition Officer,
Minor Irrigation Works No.1,
Yavatmal, Tq. & Distt. Yavatmal.

3. The Executive Engineer,
Bembla Project Division, Yavatmal,
Tq. & Distt. Yavatmal.

Shri D.A. Sonwane, Advocate for the Appellant.
Smt. S.S. Jachak, AGP for Respondent Nos.1 and 2.
Shri M.A. Kadu, Advocate h/f Shri S.G. Jagtap, Advocate for Respondent No.3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE OF JUDGMENT : 4th MARCH, 2021

ORAL JUDGMENT:-

Learned Counsel for the Appellant and the Acquiring Body state that the matter is covered by judgment dated 20/12/2016 in First Appeal No.1234/2016. Hence, with consent, heard finally at the stage of admission.

02] The Appellant has challenged the judgment and award dated 10/04/2013 passed by the Reference Court in L.A.C. No.775/2006. By the impugned judgment and award, the Reference Court has partly allowed the reference under Section 18 of the Land Acquisition Act, 1894 and enhanced the compensation to Rs.1,65,000/- per hectare.

03] The facts in brief are that the land admeasuring 1H. 07R, from Survey No.107, village Dighi was acquired for Bembla Project. Notification under Sector 4 was issued on 14/08/2003 and the Award under Section 11 was declared on 31/05/2005. The Land Acquisition Officer had awarded compensation of Rs.75,894/- per hectare. Being dissatisfied with the quantum of compensation, the Appellant sought reference under Section 18 of the Land Acquisition Act, 1894. Upon considering the evidence adduced by the parties, the Reference Court had enhanced the compensation to Rs.1,65,000/- per hectare. The said judgment and award is under challenge in this appeal, filed under Section 54 of the Land Acquisition Act, 1894.

04] Learned Counsel for the Appellant has placed on record a copy of the judgment dated 20/12/2016 in First Appeal No.1234/2016. The land, which was the subject matter of the said appeal, was also acquired by the same notification for the same purpose. The subject land as well as the land, which was the subject matter of the appeal, is situated in the same village and are of similar nature. By judgment dated 20/12/2016, this Court has

enhanced the compensation of the land in the same village to Rs.2,10,000/- per hectare. For the reasons stated in the said judgment, the appellant is also entitled for enhanced compensation.

05] Hence, the appeal is partly allowed. The compensation in respect of the acquired land is enhanced to Rs.2,10,000/- per hectare.

06] The Acquiring Body shall deposit the balance amount with statutory benefits, except the interest for the delayed period i.e. from the date of impugned judgment till the date of filing of this application, within a period of six months.

07] The impugned judgment and award stands modified accordingly.

08] The appeal stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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