

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

FIRST APPEAL NO. 84 OF 2018

Ravindra s/o Raghunath Sapre,
Aged about 39 years,
Occ. Agriculturist,
R/o Sawanga, Tq. Digra, S.
District Yavatmal.

... **APPELLANT**
Ori. Petitioner

V E R S U S

The State of Maharashtra,
through its Collector,
Yavatmal.

... **RESPONDENT**
Ori. Respondent

Shri R. J. Shinde, Advocate for appellant.
Ms. Mayuri Deshmukh, Assistant Government Pleader for
respondent-State.

CORAM: G. A. SANAP, J.
DATED : 21/08/2021

JUDGMENT :

1. In this appeal, challenge is to the Judgment and award passed by the Reference Court in LAC No.2/1987, whereby the learned Reference Court awarded the compensation @ Rs.36,000/- per hectare for the acquired land of the appellant with other consequential benefits.

2. I have heard the learned advocate for the appellant and the learned Assistant Government Pleader for the respondent-State.

3. The necessary facts seeking modification of the award passed by the Reference Court have been stated in the appeal. The appellant has prayed for enhancement of compensation. In order to fortify his submissions for the purpose of entitlement to get the compensation at the enhanced rate, the learned advocate has produced on record the Judgment delivered by this Court on 20/09/2019 in First Appeal No.1600/2019 between Rajendra s/o Raghunath Sapre Vrs. State of Maharashtra, through its Collector, Yavatmal. The learned advocate submitted that in this Judgment for irrigated land, the enhancement of the compensation granted is Rs.1,30,000/- per hectare. The learned advocate submitted that while deciding the First Appeal No.1600/2019, this Court considered the Judgment delivered on 22/08/2019 in First Appeal No.1280/2019 between Anandrao Shamrao Bhalerao Vrs. State of Maharashtra, through its Collector, Yavatmal. The learned advocate submitted that the land in First Appeal No.1280/2019 was situated at village Sawanga, Tahsil Digras, Dist. Yavatmal. It is pointed out that the land of the appellant is also situated at village Sawanga, Tahsil Digras, Dist. Yavatmal.

4. The learned Assistant Government Pleader has submitted that considering the Judgment relied upon by the appellant, this Court may decide the appeal.

5. In the case of Anandrao Shamrao Bhalerao Vrs. State of Maharashtra, the claimant was found entitled to get the enhanced compensation @ Rs.65,000/- per hectare for dry crop land. This Court in the case of Rajendra s/o Raghunath Sapre Vrs. State of Maharashtra took this enhanced compensation into consideration. It is pertinent to note that in this appeal, the Land Acquisition Officer has granted compensation @ Rs.18,000/- per hectare for dry crop land and twice the same namely, Rs.36,000/- per hectare for irrigated land. Perusal of the Judgment and award passed by the Reference Court would show that the land belonging to the appellant was irrigated land. It is, therefore, apparent that this Court has granted Rs.65,000/- per hectare for similarly situated dry crop land. The compensation in respect of irrigated land has to be double the compensation awarded in respect of the dry crop land. The appellant in the present appeal would be entitled to get the benefit of the same and as such, he would be entitled to get the compensation @ Rs.1,30,000/- per hectare for his irrigated land. In my view, this appeal deserves to

be allowed. The appellant is entitled to get enhanced compensation @ Rs.1,30,000/- per hectare for irrigated land. The respondent shall deposit the enhanced amount of compensation as awarded by this order along with all statutory benefits within a period of six months from today. The appellant will be at liberty to withdraw the amount as and when deposited.

6. Vide order dated 10/10/2017, 9760 days delay was condoned. It is, therefore, made clear that in terms of order dated 10/10/2017, the appellant shall not be entitled to get the interest for the period of delay

7. The appeal stands disposed of accordingly.

8. The parties shall bear their own costs.

JUDGE