

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

FIRST APPEAL NO.991/2012

Executive Engineer,
Bembla Project Division,
Yavatmal

..APPELLANT

Versus

1. Suresh s/o Ruprao Hajare,
aged 58 years, Occupation - Agriculturist,
R/o Mudliar Layout, back side of
Sunita Building, Yavatmal.
Tah and Dist. Yavatmal.

2. State of Maharashtra,
through Collector, Yavatmal.

3. Special Land Acquisition Officer
Minor Irrigation Works No.II,
Yavatmal.

..RESPONDENTS

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Shri M.A.Kadu, Advocate for the appellant.
Shri S.S.Bhalerao, Advocate for respondent no.1.
Ms. M.H.Deshmukh, AGP for respondent nos.2 and 3.

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CORAM : PUSHPA V. GANEDIWALA, J
DATED : AUGUST 25, 2021.

ORAL JUDGMENT :

1. Heard.

2. The appellant - Executive Engineer, Bembla Project

Division, Yavatmal, assailed the judgment and award dated 1.2.2011 in L.A.C. No.494 of 2006 passed by the Civil Judge, Senior Division, Yavatmal, whereby the learned Reference Court enhanced the compensation @ Rs.1,38,000 per hector for 5 H 43 Are Land of Gat No.846 of village Pahur.

3. The learned counsel Shri S.S. Bhalrao appearing for the respondent no.1 - Claimant pointed out the judgment of this Court passed in **First Appeal No.799/2014** (*Vasant S/o Nanaji Patre Vs. The Executive Engineer, Bembla Project Division, Yavatmal*) decided on 18.4.2015, wherein for the land which was similarly situated i.e. acquired under the same award from Village Pahur, Tahsil Babhulgaon, District Yavatmal, this Court enhanced compensation at the rate of Rs. 1,60,000/- per hector with all statutory benefits.

4. Considering the findings recorded by this Court in the aforesaid judgment in First Appeal No.799/2014 (supra), there is no reason for this Court to consider the appeal in favour of the appellant – The Executive Engineer, Bembla Project Division, Yavatmal, as the amount of compensation enhanced in the present appeal by the Reference Court is only Rs.1,38,000/- per hectare. So far as the valuation for the four teak trees @ Rs.2,000/- enhanced

compensation by the Reference Court, I do not find any ground to interfere with the enhanced amount of compensation, considering the amount enhanced by the learned Reference Court.

5. Under such circumstances, I do not find any merit in the appeal and the same needs to be dismissed. It is dismissed accordingly. There shall be no order as to costs.

JUDGE

Ambulkar