

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

FIRST APPEAL NO. 1378 OF 2008

1. State of Maharashtra
2. The Special Land Acquisition Officer,
Minor Irrigation Woks No. II,
Yavatmal, Tq. and Dist. Yavatmal.

.... **APPELLANTS**

// VERSUS //

Smt. Sindhu w/o Bhaurao Pendor,
aged about 32 years,
Occ. Agriculturist,
R/o Borda, Tq. Wani,
Distt. Yavatmal.

.... **RESPONDENT**

Shri M.A. Kadu, Advocate for appellants.
Shri D.A. Sonwane, Advocate for respondent-Sole.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 21/01/2021.

JUDGMENT :

1. The appellant no.2- acquiring body has challenged the judgment and award dated 26.07.2000 passed by learned Civil Judge, Senior Division, Yavatmal in Land Acquisition Case No. 155 of 1994.

2. Heard Shri M.A. Kadu, learned Assistant Government

Pleader for appellants and Shri D.A. Sonwane, learned Counsel for respondent. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

3. The subject matter of this appeal is the land under Gat No. 240 of village Borda, which was acquired by appellant no. 2 for the purpose of Borda Tank project. Notification under Section 4 was published on 22.05.1989, Award under Section 11 of the Land Acquisition Act, 1894 (for short “the Act of 1894”) was passed on 22.02.1993. The Land Acquisition Officer determined the compensation at the rate of Rs.10,500/- per hector. Being dissatisfied with the quantum of compensation, the respondent sought Reference under Section 18 and claimed enhanced compensation at the rate of Rs.40,000/- per hector. The Reference Court upon considering the evidence on record, enhanced the compensation to Rs.27,000/- per hector. Being aggrieved by this judgment and award, the appellants have preferred this appeal under Section 54 of the Act of 1894.

4. The records indicate that the subject land is an agricultural land. The Reference Court has determined the compensation of the said land on the basis of previous awards at Exhibit 30 and 37, under which the compensation in respect of similar land was determined at

the rate of Rs.30,000/- per hector. The Reference court has taken note of the fact that the subject land falls under occupancy Class-II and has therefore, deducted 10% which is equivalent to Rs.3,000/-. Upon deducting the said amount has determined market rate at the rate of Rs.27,000/- per hector.

5. The Reference Court has not committed manifest error of fact or law in fixing the market value of the land on the basis of previous Awards which have attained finality. The impugned award does not warrant interference, hence, the appeal is dismissed, with no order as to costs.

JUDGE

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