

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

FIRST APPEAL NO.1071 OF 2010

Vidarbha Irrigation Development Corporation,
through its Executive Engineer, Bembla Project
Division, Taq & Dist. Yavatmal.

.....**APPELLANT**

...V E R S U S...

1] Shankar s/o Ghanshyam Choudhary,
Aged 45 Years, Occu- Cultivator,
R/o Dighi, Taq:- Babhulgaon,
Dist. Yavatmal.

2] The State of Maharashtra,
Through the Collector, Yavatmal.

3] The Special Land Acquisition Officer,
Minor Irrigation Works No.I Division,
Yavatmal.

.....**RESPONDENTS**

Shri A.B. Patil, Counsel for appellant.
Shri S.C. Bhalerao, Counsel for respondent No.1.
Shri M.A. Kadu, AGP for respondent Nos. 2 and 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 15/01/2021.

ORAL JUDGMENT

1. The appellant has challenged the judgment and award dated 28.11.2008 in Land Acquisition Case No. 724/2006. By the impugned judgment, the Reference Court has enhanced the compensation from

Rs. 78,320/- to Rs.1,50,000/- per hectare with all statutory benefits.

2. The respondent No.1-original claimant was the owner of land under Gut No. 63 admeasuring 4 hector 20 R situated at village Dighi, Tah. Babhulgaon, District Yavatmal. The said land was acquired for submergence under Bembla River Project. The notification under Section 4 was issued on 14.08.2003. The Land Acquisition Officer had declared the award on 31.05.2005 and fixed the compensation at the rate of Rs.78,320/- per hector in respect of 4.03 H.R. and Rs. 1500/- per hector in respect of 0.17 H.R for pot kharab land.

3. Being dissatisfied with the quantum of compensation offered, the respondent No.1 filed an application under Section 18 of the Land Acquisition Act and sought enhanced compensation at the rate of Rs.2,50,000/- per hector. The reference court upon considering the evidence on record, enhanced the compensation to Rs.1,50,000/-. Being aggrieved by the said judgment and award, the appellant-Corporation has filed this appeal.

4. In the course of hearing, learned Counsel for the appellant stated that the land under Gut No. 65 situated in the same village was also acquired for the same purpose and by the same notification. He submits that in a reference under Section 18, filed by the land owner of

Gut No. 65, the Reference Court had awarded compensation of Rs. 1,75,000/- per hector. In an appeal bearing First Appeal No. 1234 of 2016 filed by the said land owners, this Court by judgment dated 20.12.2016 has modified the award and enhanced the compensation to Rs. 2,10,000/- per hector.

5. In the present case, the Reference Court has awarded compensation at the rate of Rs. 1,50,000/-, which is less than the compensation determined by this Court in First Appeal No. 1234 of 2016. In the facts and circumstances, there is no reason to interfere with the impugned judgment and award.

In the result, the appeal has no merits and is accordingly dismissed. No order as to costs.

JUDGE