

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

FIRST APPEAL NO.212 OF 2021

APPELLANT: Pramod S/o Champatro Choudhary
On R.A. Age – 55 yrs, Occ. - Agriculturist
Ori. Claimant R/o :- Dighi, Tq-Babhulgaon
Dist. Yavatmal.

... Versus ...

RESPONDENTS: 1. The Executive Engineer,
Bembla Project Division, Yavatmal,
Tq. And Dist. Yavatmal.

2. Special Land Acquisition Officer,
Minor irrigation works No.1,
Yavatmal.

3. The State of Maharashtra
through Collector, Yavatmal.
Tq. And Dist. Yavatmal.

Shri A.B. Nakshane, Advocate for the Appellant.
Shri K.R. Lule, Advocate for Respondent No.1.
Smt. S.S. Jachak, AGP for Respondent Nos.2 and 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 fully covered by judgment dated 28/02/2020 in First

Appeal No.288/2020. Hence, with consent, heard finally at the stage of admission.

02] The challenge in the present appeal is to the judgment dated 03/03/2011 passed by the Reference Court in L.A.C. No.706/2006. By the impugned judgment and award, the Reference Court has enhanced the compensation from Rs.79,331/- to Rs.1,65,000/- in respect of 1H. 69R. from Survey No.74/01 of Village Dighi.

03] The land of the Appellant was acquired for the purpose of Bembla River Project. Notification under Section 4 was issued on 14/08/2003 and the Award was declared on 31/05/2005. The Land Acquisition Officer had awarded compensation at the rate of Rs.79,331/- per hectare. Being dissatisfied with the quantum of compensation awarded by the Land Acquisition Officer, 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 28/02/2020 in First Appeal No.288/2020 which relates to the land acquired under Gat No.61 admeasuring 1H. 82R of Village Dighi.

The said land was also acquired by the same notification and for the same purpose. A perusal of the said judgment reveals that the Reference Court had awarded compensation at the rate of Rs.1,75,000/- per hectare in respect of dry crop land, which has been enhanced to Rs.2,10,000/- per hectare. It is stated that the subject land is also a dry crop land and is of similar nature.

05] Considering the said fact and for the reasons stated in the judgment dated 28/02/2020 in First Appeal No.288/2020, the appeal is partly allowed. The compensation in respect of the acquired land admeasuring 1H. 69R. is enhanced to Rs.2,10,000/- per hectare.

06] The Acquiring Body is directed to deposit the compensation with statutory benefits, except the interest for the delayed period i.e. from the date of the impugned judgment till the date of filing of this appeal, within six months.

07] The impugned judgment and award stands modified accordingly.

08] The appeal stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)