

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

**FIRST APPEAL NO. 754 OF 2017**

Kashiram Kerba Paikrao (dead)  
through his LRs

1. Sonabai Kashiram Paikrao,  
aged about 70 years, Occ. Agriculturist.
2. Datta Kashiram Paikrao,  
aged about 41 years, Occ. Agriculturist.

Both are R/o Kurli, Tq. Umarkhed,  
District Yavatmal.

3. Anusayabai Kashinath Khirade,  
aged about 43 years, R/o Pathoda,  
Tah. Kinwat, District Nanded.
4. Sayabai Uttam Tulse,  
aged about 30 years, R/o Dipak Nagar,  
Nanded, District Nanded.

**...APPELLANTS**

**Versus**

1. The State of Maharashtra,  
through its Collector, Yavatmal.
2. Special Land Acquisition Officer,  
Lower Push Project, Pusad,  
Tah. Pusad, District Yavatmal.
3. Executive Engineer, Lower Push Project,  
Pusad, Tah. Pusad, District Yavatmal.

**...RESPONDENTS**

Shri R.J. Shinde, Advocate for the appellants.  
Ms. H.N. Jaipurkar, A.G.P. for respondent Nos.1 and 2.  
Shri J.B. Kasat, Advocate for respondent No.3.

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CORAM : PUSHPA V. GANEDIWALA, J.  
DATED : AUGUST 21, 2021.

**ORAL JUDGMENT :**

This Appeal takes an exception to the judgment and award dated 03/01/2014 passed by the Civil Judge Senior Division, Pusad in Land Acquisition Case No.230/2002, whereby the Reference Court enhanced the compensation @ Rs.40,000/- per hectare.

2. Shri Shinde, learned counsel for the appellants, submits that this Appeal could be disposed of as the issue involved in this Appeal is squarely covered by the judgment delivered by this Court in the case of **Gobra Harlal Chavan Vs. The State of Maharashtra & Ors. [First Appeal No. 1412/2019 decided on 20/01/2020]**. It is stated that vide notification dated 21/08/1997 issued under Section 4 of the Land Acquisition Act, both the lands, i.e., land in First Appeal No. 1412/2019 so also the land in the instant Appeal were acquired for the same project, i.e., Amdapur Project, and that both the lands are situated at Village – Kurali, Tahsil Umarkhed, District Yavatmal. That in First Appeal No.

1412/2019, this Court fixed the rate of the land in that matter @ Rs.83,000/- per hectare for dry crop land and Rs.1,66,000/- per hectare for irrigated land. That this Court, while adjudicating the said rates, had relied on the judgments delivered by this Court in First Appeal No.1151/2008 and another connected matter decided on 04/07/2017, so also in First Appeal No.1399/2008 decided on 03/10/2019.

3. Considering the aforesaid submissions, this Court does not see any reason to take a different view of the matter, and therefore, I proceed to pass the following order :

### **ORDER**

- i. The Appeal is partly allowed.
- ii. For the lands bearing Survey No.83, ad measuring 2.83 hectares and Survey No.90, ad measuring 2.69 hectares, situated at Village Kurali, Tahsil Umarkhed, District Yavatmal, the appellants/ claimants shall receive compensation @ Rs.1,66,000/- per hectare for irrigated land along with all

statutory benefits and interest.

iii. Respondent No.3 to deposit the balance amount of compensation, if not deposited, before the Reference Court within a period of three months, and thereafter, the appellants/claimants shall be entitled to withdraw the same with accrued interest thereon.

**JUDGE**

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Sumit