

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

**FIRST APPEAL NO. 1374 OF 2008**

1. The State of Maharashtra,  
represented by the Collector, Yavatmal.

2. The Special Land Acquisition Officer,  
Minor Irrigation Woks No. 1,  
Yavatmal

3. The Executive Engineer,  
Medium Project Division,  
Yavatmal, Tq. Dist. Yavatmal.

.... **APPELLANTS**

**// VERSUS //**

Ku. Manda d/o Ghansam Suryawanshi,  
aged about 25 years,  
Occ. Agriculturist,  
R/o Chapdoa, T.D. Yavatmal,  
Presently, at Bangar Nagar, Yavatmal.

.... **RESPONDENT**

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Shri M.A. Kadu, Advocate for appellants.

Shri N.B. Nakshane, Advocate for respondent-Sole.

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**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 21/01/2021.**

**JUDGMENT :**

1. The appellants herein have challenged the judgment and award dated 18.07.2005 passed by learned Ad-hoc District Judge, Yavatmal in Land Acquisition Case No. 162 of 2003. By the impugned

judgment, the Reference Court has enhanced the compensation in respect of the acquired land at the rate of Rs.70,000/- per hector.

2. Heard Shri M.A. Kadu, learned Assistant Government Pleader for appellants and Shri N.B. Nakshane, learned Counsel for respondent. I 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.2 admeasuring 1 hector 79 R, which was acquired by appellants for the purpose of Chapdoha Project. Notification under Section 4 was issued on 04.12.1997, Award under Section 11 of the Land Acquisition Act, 1894 (for short “the Act of 1894”) was passed on 14.09.1999. The Land Acquisition Officer had determined the compensation at the rate of Rs.18,500/- per hector. Being dissatisfied with the quantum of compensation, the respondent sought Reference under Section 18 of Act of 1894 and claimed enhanced compensation at the rate of Rs.1,00,000/- per hector.

4. The Reference Court upon considering the evidence on record, enhanced the compensation to Rs.70,000/- per hector. Being aggrieved by this judgment and award, the appellants have preferred this appeal under Section 54 of the Land Acquisition Act, 1894.

5. Shri M.A. Kadu, learned A.G.P for appellants states that the First Appeal No. 630 of 2008 which also relates to the land acquired by the same notification, has been decided by this Court vide judgment dated 04.09.2018. He has placed on record copy of the judgment dated 04.09.2018. A perusal of the said judgment, indicates that the land under Gat No. 3 of village i.e. Chapdoha was also acquired for the same purpose under the same notification. The Reference Court had enhanced the compensation in respect of the said land at the rate of Rs.70,000/- per hector. The appeal filed by the State has been dismissed by this Court holding that the Reference Court had correctly assessed the value of land at the rate of Rs.70,000/- per hector.

6. The land in question in the present appeal is situated in the same village and is of similar nature. In the light of the reasons stated in the said judgment, it can be safely concluded that the Reference Court has not committed any error in determining the rate of the acquired land at the rate of Rs.70,000/- per hector.

7. Hence, the First Appeal stands dismissed with no order as to costs.

**JUDGE**

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