

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

FIRST APPEAL NO. 1382 OF 2008

Appellants/Ori. Applicants (On R.A.) :-

1. State of Maharashtra represented
by the Collector, Yavatmal.
2. The Special Land Acquisition
Officer, Minor Irrigation Works No.I, Yavatmal.
3. The Executive Engineer, Bembla Project Division,
Yavatmal.

... Versus ...

Respondent/Ori. Applicant (On. R.A.) :-

Prakash s/o Baliram Gadling,
Aged 35 years, Agriculturist,
R/o Dighi, Tq. Babhulgaon,
District : Yavatmal.

Shri M.A. Kadu, AGP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE OF JUDGMENT : 22nd JANUARY, 2021

P.C.

This is an appeal under Section 54 of the Land Acquisition Act,
challenging the judgment and award dated 26/08/2004 passed by the

Reference Court, Yavatmal in L.A.C. No.193/2000.

02] The respondent was the owner of the land Survey No.31 admeasuring 1.41 hectares situated at village Pimpalgaon. The land of the respondent was acquired for Bembla River Project. Notification under Section 4 was published on 19/04/1994 and award under Section 11 was declared on 02/03/1996. The Land Acquisition Officer had determined the compensation at the rate of Rs.22,000/- per hectare. Dissatisfied with the quantum of compensation, the respondent sought a reference under Section 18 of the Land Acquisition Act. The reference Court has partly allowed the reference and fixed the market rate of the acquired land at the rate of Rs.67,680/- per hectare. Being aggrieved by the said judgment and award, the State has preferred this appeal.

03] Heard Shri M.A. Kadu, learned AGP for the State. Learned AGP states that the compensation determined by the Reference Court does not exceed four times the compensation awarded by the Land Acquisition Officer. He states that as per the Government Resolution dated 23/02/2017, the State has taken a decision not to challenge such awards.

04] A perusal of the impugned judgment, reveals that the Reference Court has determined the price of the land based on the previous award. Paragraph 11 of the impugned judgment indicates that the price of the land in adjoining village was fixed at the rate of Rs.84,000/- per hectare. On the

basis of the said award, which has attained finality, the Reference Court has fixed at the rate of Rs.70,000/- per hectare.

05] Considering the above facts and circumstances as well as the the judgment of land acquisition proceeding, I find no reason to interfere with the impugned judgment. The appeal has no merits and accordingly dismissed.

06] The respondent is entitled to withdraw the amount deposited by the appellants along with the accrued interest thereon.

(SMT. ANUJA PRABHUDESSAI, J.)

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