



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

FIRST APPEAL NO. 586 OF 2019

APPELLANT : Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Irrigation Division (Earlier known as Bembla Canal Project Division) Yavatmal, District Yavatmal.
 (Ori. NA.3 on R.A.)

//VERSUS//

RESPONDENTS : 1. Rajesh Amrutrao Tayade, Aged about 44 years, Occ. Agriculturist, R/o. Pimpalkhuti, Tq. Ralegaon, District Yavatmal.
 (Ori. Claimant on R.A.)
 2. State of Maharashtra, through its Collector, Yavatmal.
 (Ori. NA No.1 on R.A.)
 3. The Special Land Acquisition Officer, Minor Irrigation Works No.2, Yavatmal, District Yavatmal.
 (Ori. NA No.3 on R.A.)

Ms. A.S. Athalye, Advocate for the Appellant.
 Mr. A.B. Nakshane, Advocate for Respondent No.1.
 Mr. M.A. Kadu, AGP for Respondent Nos.2 & 3.

CORAM : G. A. SANAP, J.
DATED : 14th SEPTEMBER, 2023.

ORAL JUDGMENT

In this appeal, challenge is to the judgment and award dated 9th January, 2018, passed by the learned Civil Judge (Senior Division), Yavatmal (hereinafter referred to as “the Reference

Court”), whereby the Reference Court enhanced the compensation awarded by the Special Land Acquisition Officer at the rate of Rs.58,500/- per hectare to Rs.3,46,500/- per hectare. The appellant/acquiring body, being aggrieved by the enhancement, has come before this Court.

02] The land bearing Survey No.94, admeasuring 0.64 HR was acquired for the purpose of Bembla Main Canal Project by the appellant/acquiring body. The Award was passed and the compensation was awarded, as above, by the Special Land Acquisition Officer. The Reference Court, on the basis of the available evidence, enhanced it from Rs.58,500/- per hectare to Rs.3,46,500/- per hectare.

03] I have heard Ms. A.S. Athalye, learned advocate for the appellant/acquiring body, Mr. A.B. Nakshane, learned advocate for respondent No.1/claimant and Mr. M.A. Kadu, learned Assistant Government Pleader for respondent Nos.2 and 3. Perused the record and proceedings.

04] Learned advocates for the parties submit that this appeal is covered by the decision rendered by this Court in *First Appeal No.341 of 2020, decided on 30.08.2022 [Vidarbha Irrigation Development Corporation, through Executive Engineer, Canal*

Division, Yavatmal and Another. Vs. Nanaji Jagoba Mokde and Others]. It is pointed out that the land in question is seasonally irrigated land. The land in this appeal is similarly situated with the land in First Appeal No.341 of 2020. It is further pointed out that the compensation awarded for the land in First Appeal No.341 of 2020 was at the rate of Rs.3,46,500/- (rupees three lakhs forty six thousand five hundred only) per hectare.

05] In view of this position, there is no substance in the appeal. The appeal is accordingly **dismissed**.

06] Respondent No.1/claimant is permitted to withdraw the amount of compensation lying, deposited in this Court, along with accrued interest. The amount be transferred directly to the bank account of respondent No.1 on proper verification. The learned advocate for respondent No.1 shall provide particulars of bank account of respondent No.1. No order as to costs.

(G. A. SANAP, J.)

Vijay