

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

FIRST APPEAL NO. 367 OF 2023

1. Smt. Shantadevi Suganchand Chopda,
Aged about 26 years, Occ. Household,
 2. Tejraj Suganchand Chopda,
Aged about 56 years, Occ. Agriculturist,
 3. Vijay Suganchand Chopda,
Aged about 48 years, Occ. Agriculturist,
 4. Mahavir Suganchand Chopda,
Aged about 42 years, Agriculturist,
 5. Gautam Suganchand Chopda,
Aged about 48 years, Occ. Household,
- All R/o. Amravati, Tq. & District Amravati

...APPELLANT

Versus

1. State of Maharashtra,
Through the Collector, Yavatmal
2. Special Land Acquisition Officer,
M.I. Work No. II, Yavatmal,
District Yavatmal
3. The Executive Engineer,
Bembla Project Division, Yavatmal,
Tq. & District Yavatmal

...RESPONDENTS

.....
Shri A.B. Nakshane, Advocate for the appellants
Ms. T.H. Udeshi, AGP for Respondent Nos. 1 and 2
Shri K.R. Lule, Advocate for Respondent No. 3
.....

CORAM : SMT. M.S. JAWALKAR, J.

CLOSED FOR JUDGMENT ON :- JULY 31, 2023

JUDGMENT PRONOUNCED ON :- AUGUST 04, 2023

JUDGMENT :

Heard learned Counsel for the respective parties.

2. Shri Nakshane, learned counsel for the appellants submits that the instant Appeal can be decided as the issue involved in the instant Appeal is covered by the judgment delivered by this Court in First Appeal No. 481/2016 (**Vidarbha Irrigation Development Corporation Vs. Sharad Gangaram Chaudhary**)

The learned counsel further submits that the subject land in the aforesaid Appeal came to be acquired for the Bembla Project. That the subject land in the instant Appeal is situated at Village Thalegaon, Tq. Babhulgaon, District Yavatmal admeasuring 4.68 hectares bearing Gat No. 46/1. He submits that the notification under Section 4 of the Land Acquisition Act, 1894 came to be issued on 14/08/2003 and that the award came to be passed on 09/06/2005. He further submits that the Land Acquisition Officer has valued the rates for the acquired land @ Rs.86,937/- per hectare and that the

Reference Court has enhanced the compensation @ Rs.1,75,000/- per hectare. He further submits that the compensation for the land in the Village Thalegaon, which was acquired for the same purpose and for which the notification issued on 14/08/2003, this Court has enhanced the compensation @ Rs.2,10,000/- per hectare. He submits that the notification in the instant case was issued on 14/08/2003, and by calculating the amount of compensation with increase @ 10% per annum, approx amount would be Rs.2,10,000/- in the year 2003.

3. I have perused the aforecited judgment and the impugned judgment and award. I am satisfied that the subject land in the instant Appeal is similarly situated with the land acquired in the aforecited Appeal from the same village, for same project, and therefore, I do not see any good reason to take a different view, as the issue involved in the instant Appeal is already covered in the aforesaid Appeal.

4. Hence, I proceed to pass following order :

ORDER

i. First Appeal stands **allowed**.

ii. The compensation for the land of the claimants admeasuring 4.68 hectares, situated at Village, Thalegaon, Tal. Babhulgaon, District Yavatmal bearing Gat No. 46/1, is determined @ Rs.2,10,000/- per hectare. This amount shall be paid by the acquiring body to the claimants with all statutory benefits.

iii. The acquiring body shall deposit the amount of enhanced compensation within a period of five months with the Registry of this Court. On such deposit, the claimants will be entitled to withdraw the same.

iv. It is made clear that the Claimants will not be entitled for the interest for the delayed period of 2672 days as observed in the order dated 13/04/2023.

JUDGE

Ansari