



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

FIRST APPEAL NO. 1002 OF 2015

APPELLANT : Hanumanth Nilkanth Pardakhe, Aged
about 52 years, Occ. Agriculturist,
R/o. Dighi, Tah. Babhulgaon, Dist.
Yavatmal.

//VERSUS//

RESPONDENTS : 1. The Special Land Acquisition Officer,
Minor Irrigation Works No.1,
Yavatmal, Tah. & Dist. Yavatmal.
2. The Executive Engineer, Bembla
Project Division, Yavatmal, Tah. &
Dist. Yavatmal.
3. The State of Maharashtra, through
Collector, Yavatmal, Tah. & Dist.
Yavatmal.

Mr. D.U. Thakare, Advocate for the Appellant.

Mr. M.A. Kadu, AGP for Respondent Nos.1 & 3.

Mr. Nikhil Waghmare, Advocate h/f. Mr. P.B. Patil, Advocate for
Respondent No.2.

CORAM : G. A. SANAP, J.

DATED : 30th AUGUST, 2023.

ORAL JUDGMENT

Heard Mr. D.U. Thakare, learned advocate for the
appellant, Mr. M.A. Kadu, learned Assistant Government Pleader
for respondent Nos.1 and 3 and Mr. Nikhil Waghmare, learned

advocate holding for Mr. P.B. Patil, learned advocate for respondent No.2/acquiring body. Perused the record and proceedings.

02] The factual position in the present first appeal is as under:-

Bembla Project, District Yavatmal			
Date of Notification under Section 4(1) of the Land Acquisition Act, 1894.			14.08.2003
Address of property	Details of property	LAO Award Dated 31.05.2005	Ref. Court Award Dated 01.09.2012
Village: Dighi , Tahsil Babhulgaon, District: Yavatmal	Gat No.22 3.20 HR 0.03HR	Rs.77,444/- per hectare Rs.1500/-	Rs.1,75,000/- per hectare

03] The appellant/claimant has challenged the judgment of the Reference Court dated 1st September, 2012, whereby the Reference Court has enhanced the compensation for the agricultural land bearing Gat No.22, as stated above.

04] Learned advocate for the appellant has placed on record a copy of the judgment of this Court in *First Appeal No.1234 of 2016, decided on 20th December, 2016 [Deepak S/o. Madhaorao*

Barde and Others Vs. Vidarbha Irrigation Development Corporation, through Executive Engineer, Nagpur and Others]

and submitted that the case of the appellant is covered by this decision. Learned advocate further submitted that the agricultural land of the appellant, being dry crop land, is similarly situated with the land in First Appeal No.1234 of 2016. Learned advocate pointed out that the compensation for the land in First Appeal No.1234 of 2016 was at the rate of Rs.2,10,000/- (rupees two lakhs ten thousand only) per hectare.

05] Learned advocate for respondent No.2/acquiring body concedes that the case of the appellant would be covered by the decision in First Appeal No.1234 of 2016.

06] On going through the record and proceedings, it is seen that the land was acquired for the purpose of Bembla Project. The date of Award in both the cases is same. It is, therefore, apparent that the land in First Appeal No.1234 of 2016 is similarly situated with the land of the appellant. Therefore, in this case, the appellant would be entitled to get compensation at the rate of Rs.2,10,000/- (rupees two lakhs ten thousand only) per hectare in respect of his land bearing Gat No.22, admeasuring 3.23 HR.

07] In view of the above discussion, the impugned judgment of the Reference Court needs modification as under:

The rate of compensation for the land bearing Gat No.22, admeasuring 3.23 HR, situated at Village Dighi, Tahsil Babhulgaon, District Yavatmal, is enhanced to Rs.2,10,000/- (rupees two lakhs ten thousand only) per hectare.

08] Respondent No.2 shall calculate the amount as per the above order and shall deposit the same in this Court, within a period of eight weeks from today. It is made clear that while calculating the aforesaid amount, the interest for the period of delay i.e. from 01.12.2012 to 30.07.2014 shall not be calculated and granted. The requisite court fee upon the enhanced claim will also be paid by the appellant/claimant. The first appeal is accordingly **partly allowed** in the above terms. No order as to costs.

(G. A. SANAP, J.)

Vijay