



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

**FIRST APPEAL NO. 834 OF 2023**

**APPELLANTS** : Prakashchand Banichand Lodha  
(Dead) through L.Rs.

1. Anjusha Sharad Soni, Aged 52 years,  
Occ. Housewife, R/o. 270, in front of  
Shivaji Park, NTC Tapadiya Estate,  
Hingoli, Tq. & Dist. Hingoli.
2. Manju Dilip Choudhari, Aged 47  
years, Occ. Household, R/o. Dilip  
Choudhari, Jain Watika Apartment,  
Flat No.4/5, Near Warhad City, Scan  
Hospital, Shastri Nagar, Akola, Tq. &  
Dist. Akola.
3. Sau. Sarlabai Prakashchand Lodha,  
Age 65 years, Occ. Household.
4. Vinaykumar Prakashchand Lodha,  
Aged 44 years, Occ. Agriculturist.
5. Khushalkumar Prakashchand Lodha,  
Aged 34 years, Occ. Agriculturist.  
All R/o. Thalegaon, Tq. Babhulgaon,  
Dist. Yavatmal.

**//VERSUS//**

- RESPONDENTS** : 1. The Executive Engineer, Bembla  
Project Division, Yavatmal, Tq.  
Babhulgaon, Dist. Yavatmal.
2. Special Land Acquisition Officer, M.I.  
Work No.1, Yavatmal, Dist. Yavatmal.
  3. State of Maharashtra, through  
Collector, Yavatmal.

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Mr. A.B. Nakshane, Advocate for the Appellants.

Mr. M.A. Kadu, Advocate for Respondent No.1.

Ms. Prachi Joshi, AGP for Respondent Nos.2 & 3.

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CORAM : G. A. SANAP, J.

DATED : 13<sup>th</sup> OCTOBER, 2023.

### ORAL JUDGMENT

In this appeal, challenge is to the judgment and award dated 04.10.2014, passed by the learned Civil Judge (Senior Division), Yavatmal (for short “the Reference Court”), whereby the Reference filed by the appellants for enhancement of compensation, was partly allowed.

02] The land bearing Gat No.41, admeasuring 14.04 HR, situated at Village Thalegaon, Taluka Babhulgaon, District Yavatmal belonging to the appellants, was acquired for the purpose of Bembla River Project. The notification under Section 4 of the Land Acquisition Act, 1894 was issued on 14.08.2003. The Award was passed on 09.06.2005. The Special Land Acquisition Officer awarded the compensation @ Rs.92,600/- per hectare. In the reference, the Reference Court has enhanced it to Rs.1,75,000/- per hectare. The appellants, being aggrieved by the inadequacy of the enhanced compensation, have come before this Court in appeal.

03] I have heard Mr. A.B. Nakshane, learned advocate for the appellants, Mr. M.A. Kadu, learned advocate for respondent No.1 and Ms. Prachi Joshi, learned AGP for respondent Nos.2 and 3. Perused the record and proceedings.

04] Learned advocate for the appellants submitted that this appeal is fully covered by the decision of this Court rendered in *First Appeal No.414/2023 decided on 04.08.2023 [Gautam S/o. Suganchand Chopda Vs. State of Maharashtra, through the Collector, Yavatmal and Others]*. Learned advocate submitted that the land of the appellants and the land in the above first appeal is similarly situated. It is pointed out that the land of the appellants was dry crop land. It is further pointed out that the compensation awarded by this Court in First Appeal No.414/2023 in respect of dry crop land, is Rs.2,10,000/- (Rs. Two Lakhs Ten Thousand Only).

05] Learned advocate Mr. Kadu for respondent No.1 submits that this appeal is covered by the decision in First Appeal No.414/2023.

06] In view of the above, the appellants are entitled to get compensation @ Rs.2,10,000/- (Rs. Two Lakhs Ten Thousand Only) per hectare in respect of their land bearing Gat No.41,

admeasuring 14.04 HR, situated at Village Thalegaon, Taluka Babhulgaon, District Yavatmal with interest and other statutory benefits awarded by the Reference Court. The amount in terms of this order be deposited within four months from today.

07] It is made clear that while calculating the aforesaid amount, interest and other statutory benefits for the period of delay of 2109 days caused in filing this appeal, shall not be calculated and granted.

08] The appellants/claimants are required to pay the deficit Court fee, if any, on the enhanced amount of compensation. If the deficit Court fee is not paid by the appellants/claimants, then the same shall be recovered/deducted from the enhanced compensation amount.

09] The appeal is **partly allowed** and disposed of accordingly. No order as to costs.

(G. A. SANAP, J.)