



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

FIRST APPEAL NO. 747 OF 2018

APPELLANT : Natthudeo S/o. Amrutdeo Bhaiswar,
Aged about 67 years, Occu.
Agriculturist, R/o. Katol, Dist.
Nagpur.

//VERSUS//

RESPONDENTS : 1. State of Maharashtra, through
Collector, Nagpur.
2. The Executive Engineer, Special Land
Acquisition Officer, Irrigation
Department at Katol, Dist. Nagpur.
3. Vidarbha Irrigation Development
Corporation, through its Executive
Engineer (Chikhali Nala Project),
Medium Project Division, having its
office at Plot No. 11, Irrigation Colony,
Civil Lines, Nagpur.

Mrs. R.S. Sirpurkar, Advocate with Mr. C.R. Najbile, Advocate
for the Appellant.

Ms. T.H. Udeshi, AGP for Respondent Nos.1 & 2.

Mr. Vinay Dahat, Advocate for Respondent No.3.

CORAM : G. A. SANAP, J.

DATED : 1st SEPTEMBER, 2023.

ORAL JUDGMENT

In this appeal, challenge is to the judgment and award
dated 5th December, 2013, passed by the learned Reference Court,

Nagpur, whereby the Reference filed by the appellant for enhancement of compensation, was partly allowed.

02] The land bearing Survey No.65, admeasuring 8.35 HR, Mouza Isapur, Tahsil Katol, District Nagpur belonging to the appellant, was acquired for the purpose of Chikhli Nala Project by the respondent No.3/acquiring body. The Special Land Acquisition Officer awarded compensation at the rate of Rs.52,000/- per hectare. The learned Reference Court by the impugned judgment and award, enhanced the compensation to Rs.1,00,000/- per hectare. The appellant, being aggrieved by this partial enhancement, has filed this appeal.

03] I have heard Mrs. R.S. Sirpurkar, learned advocate for the appellant, Ms. T.H. Udeshi, learned Assistant Government Pleader for respondent Nos.1 and 2 and Mr. Vinay Dahat, learned advocate for respondent No.3. Perused the record and proceedings.

04] Learned advocate for the appellant, by relying upon two decisions of this Court in *First Appeal No.453 of 2010 with Cross-objection No.10 of 2011, decided on 23rd September, 2019 [Vidarbha Irrigation Development Corporation, through the Executive Engineer, Medium Project Division, Nagpur Vs.*

Champatrao S/o. Amrutrao Bhaswar and Others] and *First Appeal No.1119 of 2014 with Cross-objection No.40 of 2016, decided on 14th November, 2019 [State of Maharashtra, through Collector, Nagpur and Others Vs. Shri Zaporu S/o. Paikudeo Aappa (Dead) through his Legal Heirs and Others]*, submitted that the case of the appellant would be squarely covered by these two decisions. Learned advocate pointed out that the compensation awarded for the lands in the above two appeals was at the rate of Rs.1,80,000/- per hectare. Learned advocate submitted that the land of the appellant, in all respect, is similarly situated with the lands involved in these two appeals.

05] Learned advocate for respondent No.3/acquiring body submitted that considering the two decisions in First Appeal No.453 of 2010 with Cross-objection No.10 of 2011 and First Appeal No.1119 of 2014 with Cross-objection No.40 of 2016, this Court may pass an appropriate order. Learned advocate further submitted that the case of the appellant needs to be considered keeping in mind the decision rendered in these two appeals.

06] On going through the evidence and the documents, it is seen that the land of the appellant is similarly situated with the lands in the above two appeals. The case of the appellant is,

therefore, fully covered by the decisions in the abovestated two appeals. In my view, therefore, the compensation awarded in these two appeals at the rate of Rs.1,80,000/- (rupees one lakh eighty thousand only) per hectare would be required to be awarded in the present appeal.

07] Accordingly, the appellant is held entitled to get compensation at the rate of Rs.1,80,000/- (rupees one lakh eighty thousand only) per hectare in respect of his land bearing Survey No.65, admeasuring 8.35 HR, Mouza Isapur, Tahsil Katol, District Nagpur. Remaining part of the impugned judgment and award is maintained as it is. The first appeal is accordingly **partly allowed** in the above terms. No order as to costs.

(G. A. SANAP, J.)

Vijay