



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

FIRST APPEAL NO. 516 OF 2017

APPELLANT : Pradip Hanuman Wankhede, Aged –
 (Ori. Appellant on R.A.) 60 years, Occ. - Agriculturist, R/o.
 Kopra-Barad, Tq. Babhulgaon, Dist.
 Yavatmal.

//VERSUS//

RESPONDENTS : 1. The State of Maharashtra, through
 (Ori. Respondents on R.A.) Collector, Yavatmal, Tq. & Dist.
 Yavatmal.
 2. The Special Land Acquisition Officer,
 Benefited Zone, Yavatmal.
 3. The Executive Engineer, Bembla
 Project, Behind Date College,
 Yavatmal, Tq. & Dist. Yavatmal.

Mr. A.B. Nakshane, Advocate for the Appellant.
 Mr. M.A. Kadu, AGP for Respondent Nos.1 & 2.
 Mr. K.R. Lule, Advocate for Respondent No.3.

CORAM : G. A. SANAP, J.
DATED : 7th SEPTEMBER, 2023.

ORAL JUDGMENT

In this appeal, challenge is to the judgment and award dated 5th February, 2015, passed by the Reference Court, Yavatmal, whereby the Reference Court enhanced the compensation awarded by the Special Land Acquisition Officer. According to the

appellant, the enhancement granted was not adequate.

02] The land bearing Survey No.129, admeasuring 3.56 HR and the land bearing Survey No.202, admeasuring 5.20 HR, situated at Village Kopra Barad, Tq. Babhulgaon, Dist. Yavatmal, belonging to the appellant, were acquired for the purpose of Bembla Project by the respondent No.3/acquiring body. The Special Land Acquisition Officer awarded the compensation at the rate of Rs.82,500/- per hectare. The Reference Court, on the basis of the available evidence, enhanced it from Rs.82,500/- per hectare to Rs.1,75,000/- per hectare.

03] I have heard Mr. A.B. Nakshane, learned advocate for the appellant, Mr. M.A. Kadu, learned Assistant Government Pleader for respondent Nos.1 and 2 and Mr. K.R. Lule, learned advocate for respondent No.3. Perused the record and proceedings.

04] Learned advocate for the appellant has placed on record a copy of the judgment of this Court in *First Appeal No.207 of 2018, decided on 28th July, 2021 [Anami D/o. Hanuman Wankhede Vs. The Executive Engineer, Bembla Project, Yavatmal and Others]* and submitted that the case of the appellant is covered by this decision. Learned advocate further submitted that the

agricultural lands of the appellant, being dry crop lands, are similarly situated with the land in First Appeal No.207 of 2018. Learned advocate pointed out that the compensation awarded for the land in the above appeal was at the rate of Rs.2,10,000/- (rupees two lakhs ten thousand only) per hectare.

05] Learned advocate for respondent No.3/acquiring body concedes that the case of the appellant would be covered by the decision in First Appeal No.207 of 2018.

06] On going through the record and proceedings, it is seen that the lands were 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.207 of 2018 is similarly situated with the lands of the appellants. 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.

07] Accordingly, the respondents are ordered and directed to pay the compensation to the appellant at the rate of Rs.2,10,000/- (rupees two lakhs ten thousand only) per hectare in respect of his lands bearing Survey No.129, admeasuring 3.56 HR and Survey

No.202, admeasuring 5.20 HR, situated at Kopra Barad, Tq. Babhulgaon, Dist. Yavatmal with all other statutory benefits and interest. Decree be drawn up accordingly. The amount in terms of this order be deposited within five months from today.

08] It is made clear that while calculating the aforesaid amount, interest and other statutory benefits for the period of delay of 539 days caused in filing this appeal, shall not be calculated and granted.

09] The appellant/claimant is required to pay the deficit Court fee on the enhanced amount of compensation. If the deficit Court fee is not paid by the appellant/claimant, then the same shall be recovered/deducted from the enhanced compensation amount.

10] The appeal is disposed of accordingly. No order as to costs.

(G. A. SANAP, J.)

Vijay