



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

FIRST APPEAL NO. 408 OF 2024

APPELLANT : Prabhatai Wd/o. Ramrao Korde, Aged 84 Years, Occ. Household Work, R/o. Barad, Post – Pahur, Tq. Bhabhulgaon, Distt. Yavatmal, Through power of attorney holder Gajanan S/o. Ramraoji Korde, Aged 53 Years, Occ. Agriculturist, R/o. Barad, Post – Pahur, Tq. Bhabhulgaon, Distt. Yavatmal.

//VERSUS//

RESPONDENTS : 1. State of Maharashtra, through Collector, Yavatmal.
 2. The Executive Engineer, Bembala Project, Division, Tq. & Distt. Yavatmal.
 3. Special Land Acquisition Officer, Benefited Zone, Yavatmal.

Mr. S.V. Ingole, Advocate for the Appellant.
 Ms. Prachi Joshi, AGP for Respondent Nos.1 & 3.
 Mr. M.A. Kadu, Advocate for Respondent No.2.

CORAM : G. A. SANAP, J.
DATED : 17th APRIL, 2024.

ORAL JUDGMENT

. In this appeal, challenge is to the judgment and award dated 20.07.2011, passed by the learned Civil Judge (Senior

Division), Yavatmal (for short “the Reference Court”), whereby the claim for enhancement of compensation was partly allowed.

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

Bembla Project, District Yavatmal			
Date of Notification under Section 4 of the Land Acquisition Act, 1894.			24.07.2003
Address of property	Details of property	LAO Award Dated	Ref. Court Award Dated
		27.06.2005	20.07.2011
Village: Barad , Tq. Babhulgaon, Dist. Yavatmal	Gat No.157 3H 64R	Rs.81,103/- per hectare	Rs.1,75,000/- per hectare

03] Learned advocate for the appellant, relying upon the decision in *First Appeal No.399/2011 [Ashok S/o. Uttamchand Kotecha (Since Dead) Through his L.Rs. Vs. The State of Maharashtra Through Collector, Yavatmal & Others, decided on 07.03.2019]*, submitted that the present appeal is covered by the decision rendered in First Appeal No.399/2011.

04] Learned advocates for the respondents submit that the compensation awarded for dry-crop land in First Appeal No.399/2011 is @ Rs.2,10,000/- per hectare.

05] Learned advocate for the appellant submits that the land in this appeal as well as the land in First Appeal No.399/2011 are similarly situated in all respects. The lands were acquired for the same project and under the same award. Learned advocate submitted that, therefore, the appellant is entitled to get the market price of his land @ Rs.2,10,000/- per hectare.

06] It is undisputed that the land of the appellant was dry-crop land. It is seen that the market price determined for dry-crop land in First Appeal No.399/2011 for the same village is Rs.2,10,000/- per hectare. In my view, the present appeal is covered by the decision rendered in First Appeal No.399/2011. As such, I conclude that the appellant is entitled to get compensation @ Rs.2,10,000/- per hectare in respect of the acquired land. Hence the following order:

- a) The appeal is **allowed**.
- b) Respondent No.2/Acquiring Body is directed to pay compensation to the appellant @ Rs.2,10,000/- (Rupees Two Lakhs Ten Thousand Only) per hectare in respect of the acquired land with all other statutory benefits as

awarded by the Reference Court.

c) The compensation in terms of this order be deposited in this Court, within twelve weeks.

d) It is made clear that while calculating the aforesaid amount, interest and other statutory benefits for the period of delay of 3402 days caused in filing this appeal, shall not be calculated and granted.

07] The appeal is disposed of accordingly. No order as to costs. Pending applications, if any, stand disposed of.

(G. A. SANAP, J.)

Vijay