



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

FIRST APPEAL NO. 1191 OF 2023

Executive Engineer,
Purna Medium Project,
Achalpur Division, Achalpur Camp,
Tq. Achalpur, Dist. Amravati.

.... **APPELLANT**

// VERSUS //

- 1) Satish Mahadeorao Kandalkar,
Aged about 40 years, Occ.-Agriculturist,
R/o. Brahmanwada Pathak,
Tq. Chandur Bazar, Dist. Amravati.
- 2) State of Maharashtra,
Through the Collector, Amravati.
- 3) The Special Land Acquisition Officer,
Upper Wardha Project No. IV,
Amravati, Tq. & Dist. Amravati.

.... **RESPONDENTS**

Mr. U. A. Gosavi, Advocate for Appellant.
Mr. R. J. Shinde, Advocate for Respondent No.1.
Mr. M. A. Kadu, Assistant Government Pleader for Respondent
Nos.2 & 3.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 11th OCTOBER, 2024.

ORAL JUDGMENT.

1. **Admit.** Heard finally with consent of the learned
Advocate for the parties.

2. This appeal is preferred by the appellant against the Judgment and decree dated 27.03.2019 passed by Civil Judge, Senior Division, Achalpur in Land Acquisition Case No.03 of 2016, whereby the reference filed by respondent No.1/claimant under Section 18 of the Land Acquisition Act, 1894 was allowed and the compensation was enhanced @ Rs. 3,39,294/- per hectare of the acquired land bearing Gat No.176 admeasuring 26 R., situated at village Bramhanwada Pathak, Taluka Chandur Bazar, District Amravati. The land was acquired for construction of Purna Medium Project vide Land Acquisition Case No.24/47/2001-2002. Notification under Section 4 of the Land Acquisition Act, 1894 was published on 30.12.2004 and Award was passed on 14.08.2007.

3. Learned Advocates for the parties submit that this appeal is covered by the decision rendered by this Court in ***First Appeal No.482 of 2016 (The Executive Engineer (VI.D.C.), Purna Medium Project Division, Achalpur Vs. Avinash S/o Bhimrao Ganorkar and two others)*** decided on ***20.03.2024*** with connected matters.

4. Perused the judgment and award passed by learned Reference Court and judgment passed in ***First Appeal No. No.482 of***

2016 cited *supra*. It is seen that there was no mistake or illegality on the part of the Reference Court while determining the market price of the acquired land. The land acquired in this appeal as well as in ***First Appeal No. No.482 of 2016*** are one and same village and acquired for the same purpose. Considering this fact, this appeal was fully covered by the decision rendered in ***First Appeal No. No.482 of 2016***. Therefore, this appeal filed by the acquiring body is without substance and deserve to be dismissed.

5. In the result, the appeal stands **dismissed** on the basis of principle of parity in terms of the above referred judgment. No order as to costs.

(SANJAY A. DESHMUKH, J.)