



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

FIRST APPEAL NO. 556 OF 2024

APPELLANT :

(On R.A.)
(Ori.Applicant)

Rambhau s/o Pandurang Khadse,
Aged 59 years, Occup. Agriculturist,
R/o Thalegaon, Tq. Babhulgaon,
Distt. Yavatmal.

V E R S U S

RESPONDENTS :

(On R.A.)
(Ori.Non-Applicants)

1. The State of Maharashtra
Through the Collector,
Yavatmal.
2. Special Land Acquisition Officer,
M. I. Work No.II, Yavatmal,
Dist. Yavatmal.
3. The Executive Engineer,
Bembla Project Division,
Yavatmal, Tq. and Dist. Yavatmal.

Shri M. Dube, Advocate h/f Shri A. B. Nakshane, Advocate for appellant.
Shri M.A. Kadu, Assistant Government Pleader for respondent Nos.1
and 2.

Shri Vinay Rathi, Advocate h/f Shri P. B. Patil, Advocate for respondent
No.3.

CORAM:- SANJAY A. DESHMUKH, J.

DATED : 22/07/2024.

ORAL JUDGMENT :

1. This appeal is preferred against the Judgment and award dated 16/08/2011 passed by 2nd Joint Civil Judge, Senior Division, Yavatmal in LAC No.60/2009. The appellants have preferred this appeal only on the ground of quantum of compensation of the agricultural lands.

2. The factual position of the appeal is as under :-

Bembla River Project, Yavatmal Date of Notification under Section 4 of the Land Acquisition Act, 1894.			14/08/2003
Address of property	Details of property	LAO Award dated 09/06/2005	Ref. Court Award dated 16/08/2011
Village Thalegaon, Tq. Babhulgaon, District Yavatmal	Gat No.48 6.42 HR	Rs.78,514/- per hectare for 6.30 HR land and Rs.1,500/- per HR for pot kharab land admeasuring 12 R.	Rs.1,75,000/- per hectare for 6.42 HR.

3. Learned advocate for the appellant submitted that this Court in the First Appeal No.438/2024 as well as in First Appeal No.834/2023 enhanced amount of compensation upto Rs.2,10,000/- per hectare for dry crop land. He, therefore, submits that considering the same village, same project and same notification, the issue in this appeal is covered by these Judgments. Therefore, the appeal deserves to be allowed on the principle of parity.

4. Learned advocate for respondent No.3 submits that only the amount of compensation awarded to the appellant is

covered by the judgment dated 30/04/2024 passed in First Appeal No.438/2024 regarding dry crop land and not any other land.

5. Perused the Judgment of First Appeal No.438/2024 passed by this Court. This Court while deciding quantum of compensation, the market price of the dry crop land has been determined @ Rs.2,10,000/- per hectare. The land acquired of this appellant is also dry crop land of the same village Thalegaon, Tq. Babhulgaon, Dist.Yavatmal. This is not disputed fact. Therefore, the appellant is certainly entitled for compensation of Rs.2,10,000/- per hectare in respect of his dry crop land. The appeal, therefore, deserves to be allowed on the principle of parity. The judgment and award of the Trial Court deserves to be modified with directions to the appellant/claimant to pay the deficit Court Fees on the enhanced amount of compensation. If it is not paid by the appellant/claimant, then it shall be recovered/deducted from enhanced amount of compensation. Therefore, judgment and award of Reference Court is modified as under :-

i] The respondent No.3 to pay enhanced amount of compensation @ Rs.2,10,000/- per hectare in respect of Gut No.48 admeasuring 6 Hectare 42 R land situated at village Thalegaon, Tah. Babhulgaon, Dist. Yavatmal to the appellant/claimant.

ii] It is clarified that the delay of 4619 days is caused for preferring the appeal. While condoning the delay, this Court has given directions that the claimant – appellant is not entitled for statutory benefits like interest, etc. for the delayed period by order dated 11/06/2024.

6. The appeal is disposed of.

[SANJAY A. DESHMUKH, J.]