



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

FIRST APPEAL NO.604/2009

1. Sakharam Abaji Bhujbal
Dead through LRs.
- 1(a) ~~Smt. Satyabhamabai wd/o Sakharam Bhujbal~~ (Deleted)
- 1(b) Shri Pralhad s/o Sakharam Bhujbal
(Deceased)
- 1(b)(i) Smt. Dwarkabai wd/o Pralhad Bhujbal
- 1(b)(ii) Shri Nilesh s/o Pralhad Bhujbal
- 1(b)(iii) Shri Narayan s/o Pralhad Bhujbal
All r/o Main Raod, Near Chikhli Urban Bank,
Ward No. 15, Chikhli, Buldhana.
- 1(c) Shri Tukaram s/o Sakharam Bhujbal
(Deceased).
- 1(c)(i) Smt. Shobha wd/o Tukaram Bhujbal
- 1(c)(ii) Shri Satish s/o Tukaram Bhujbal
All r/o Main Raod, Near Chikhli Urban Bank,
Ward No. 15, Chikhli, Buldhana.
- 1(d) Shri Gajanan s/o Sakharam Bhujbal
r/o Khanala Road, Near Gopal Cinema,
Near HDFC Bank, Chikhli, Dist. Buldhana.
- 1(e) Shri Rajendra s/o Sakharam Bhujbal
r/o Ward No. 17, Shivaji Chowk, Chikhli,
Dist. Buldhana.
2. Shri Kisan s/o Pandhari Torkhad (Deceased)
- 2(a) Smt. Kamal wd/o Kisan Torkhad,
r/o 66, Near Zilha Parishad School,
Gandhi Nagar, Chikhli, Buldhana.
- 2(b) Shri Ravindra s/o Kisan Torkhad,

r/o Near Bus Stand, Basveshwar Colony,
Ward No.5, Chikhli, Buldhana.

2(c) Shri Mahendra s/o Kisan Torkhad,
r/o Near Bus Stand, Basveshwar Colony,
Ward No.5, Chikhli, Buldhana.

2(d) Shri Devendra s/o Kisan Torkhad,
r/o Near Bus Stand, Basveshwar Colony,
Ward No.5, Chikhli, Buldhana.

.....APPELLANTS

...V E R S U S...

1. The State of Maharashtra, through
Collector, Tq. and Dist. Buldhana.
2. Maharashtra Industrial Corporation,
(M.I.D.C.) Chikhli, Taluka Chikhli,
Dist. Buldhana.

...RESPONDENTS

AND

FIRST APPEAL NO.335/2010

Ravindra Kisan Torkhad,
aged 45 years, Occ. Agriculturist,
r/o Chikhli, Tq. Chikhli, Dist. Buldhana.APPELLANTS

...V E R S U S...

1. The State of Maharashtra, through
Collector, Tq. and Dist. Buldhana.
2. Executive Engineer, MIDC Chikhli,
Taluka Chikhli, Dist. Buldhana.

...RESPONDENTS

Mr. S. G. Patil, Advocate instructed by Ms Radhika Bajaj, Advocate
for appellant.

Mr. Najeeb Sheikh, Advocate instructed by Mr. M. M. Agnihotri,
Advocate for respondent no.3

Ms H. N. Dhande, A.G.P. for respondent no.1.

CORAM:- ANIL L. PANSARE, J.

DATE OF RESERVING THE JUDGMENT :- 22.02.2024

DATE OF PRONOUNCING THE JUDGMENT :- 05.03.2024

ORAL JUDGMENT

Both the appeals arise out of similar facts, therefore, they are decided by common judgment.

2. Having heard both sides, only point that arises for consideration is whether the appellants are entitled for further enhancement in compensation amount.

3. The factual background is as under:

Respondent – MIDC Chikhli, District Buldhana has on 22.02.1989, published notification under Section 32 (1) and (2) of the Maharashtra Industrial Development Corporation Act, 1961 to acquire land. The objections were called vide notification dated 03.07.1992 under Section 12 (2) of the Land Acquisition Act, 1894. The appellants claimed an amount of Rs.1,25,000/- per hectare. The Special Land Acquisition Officer awarded compensation at the rate of Rs.30,000/- per hectare. The appellants approached reference Court, which has partly allowed the reference and vide judgment and award dated 15.11.2008, enhanced the compensation to Rs.50,000/- per hectare. The appellants are not satisfied with this enhancement and, therefore, present appeals.

4. My attention is invited to the judgment and award dated 23.07.2011 passed by this Court in First Appeal No. 191/2011 with First Appeal No. 372/2011. The acquired lands in said cases were situated at village Makardwaj Khandala Tq. Chikhli. This Court, in the aforesaid two appeals, noted that the acquired lands were situated on the State Highway and were near Chikhli town. The Court further noted from 7/12 extracts that the acquired lands were fertile. The acquired lands in the present case were situated in Chikhali taluka itself.

5. Counsel for the appellants has placed reliance upon two sale instances. One is dated 19.07.1989 and another is dated 12.04.1989. Both lands were situated in Chikhli. First land admeasured 0.40 HR and the second 0.20 HR. The first land was purchased at the rate of Rs.1,50,000/- per hectare and the second land was purchased at the rate of Rs.2,00,000/- per hectare. The counsel submits that the acquired land in the present case is also situated in Chikhli town and, therefore, should attract same rate.

6. The contention has been rightly countered by Mr.Agnihotri, learned counsel for the MIDC by submitting that both the sale instances are of the lands having small area. In the present case, the land is admeasuring 4.6 HR in First Appeal

No.604/2009 and is admeasuring 1.31 HR in First Appeal No. 335/2010. He further submits that in the judgment referred to by the appellants, this Court has considered the land which was situated on the State Highway and was near Chikhali town. The said lands were fertile lands. Despite such situation, this Court has determined value at the rate of Rs.60,000/- per hectare. He then submits that the acquired lands in the present cases are not located on the State Highway and hence would not attract higher rate. Accordingly, he supported the judgments passed by the reference Court.

7. In my view, though the acquired lands are not located on State Highway, the lands are located in Chikhli town. This Court has noted in the judgment cited by the appellants that Chikhli town is much developed than Makardwaj Khandala village. Thus, the acquired land in the present case is situated in Chikhli town which is better developed than the village Makardwaj Khandala.

8. As against the lands which were situated on the State Highway and were located at Makardwaj Khandala near Chikhli town were granted rate at Rs.60,000/- per hectare. These lands had advantage of good location and the acquired land has

advantage of better developed area. The acquired land is not situated on the State Highway but is situated in Chikhli which is better developed than the village Makardwaj Khandala. In the circumstances, there appears no reason why should same rate be not granted to the appellants herein. The appellants are thus entitled to the enhanced compensation at the rate of Rs.60,000/- per hectare.

9. Accordingly, both the appeals are partly allowed. Judgment and order dated 15.11.2008 passed by the reference Court in Land Acquisition Case No.193/1992 and judgment and order dated 04.12.2009 passed by the reference Court in Land Acquisition Case No.192/1992 are modified accordingly.

10. The appellants – claimants are entitled to receive compensation at the rate of Rs.60,000/- per hectare. The enhanced compensation is payable with all statutory benefits.

The appeals are disposed of in the above terms. No order as to costs.

(Anil L. Pansare, J.)

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