



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

FIRST APPEAL NO. 322 OF 2016

Ghanshyam S/o Waghu Rathod,
Aged about 35 years, Occ.-Cultivator,
R/o. Kurli, Tq. Umarkhed,
District Yavatmal.

.... **APPELLANT**

// VERSUS //

1) State of Maharashtra,
Through Collector, Yavatmal,
Tq. & Dist. Yavatmal.

2) Executive Engineer,
Minor Irrigation, Pusad,
Tq. Pusad, Dist. Yavatmal.

3) Special Land Acquisition Officer,
Lower Pus Project, Pusad,
Tq. Pusad, Dist. Yavatmal.

.... **RESPONDENTS**

Mr. K. S. Narwade, Advocate for Appellant.

Mr. M. A. Kadu, Assistant Government Pleader for Respondent
Nos.1 and 3.

Mr. A. M. Kukday, Advocate for Respondent No.2.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 19th NOVEMBER, 2024.

ORAL JUDGMENT.

1. This appeal is preferred against the judgment and award passed by Civil Judge, Senior Division, Pusad, District Yavatmal dated 24.09.2013 in Land Acquisition Case No.131/2004.

2. The challenge under this appeal is about land bearing Survey No.25, admeasuring 2.02 HR., situated at village Kurali, Taluka Umarkhed, District Yavatmal was acquired for public purpose under the “Amdapur Project”. Under the same project, other lands were acquired under the same notification and same purposes.

3. Learned Advocate for the appellant is relying upon the common judgment passed by this Court in ***First Appeal No.693/2022*** (*Bhagwan Kashiram Ade Vs. State of Maharashtra and others*) dated ***15.04.2024***, wherein this Court after considering evidence and parity, enhanced the amount of compensation @ Rs.83,000/- per hectare of the same village. The learned Advocate for the appellant submitted that land of appellant is situated near the land situated in ***First Appeal No.693/2022***. He, therefore, prayed to award the same rate of compensation to the appellant by applying principle of parity.

4. Perused the impugned judgment as well as the judgment of this Court passed in ***First Appeal No.693/2022*** cited *supra*.

5. The admitted facts are that land bearing Survey No.25, admeasuring 2.02 HR., situated at village Kurali, Taluka Umarkhed, District Yavatmal was acquired by notification dated 19.06.1997 according to the award passed on 27.11.2000. By the Award of Land

Acquisition Officer, total amount of Rs.60,090/- was awarded as compensation. Being aggrieved by it, the appellant/claimant had filed a reference under Section 18 of the Land Acquisition Act, 1894. The learned Reference Court enhanced the amount and awarded compensation @ Rs.35,000/- per hectare. However, on going through the judgment rendered in ***First Appeal No.693/2022*** cited *supra* in respect of the land situated at village Kurali, Taluka Umarkhed, District Yavatmal, this Court is satisfied that this appeal is fully covered by the decision rendered in ***First Appeal No.693/2022***. It is not disputed by the other side. Therefore, the appellant is also entitled for same rate of compensation on the principle of parity as the land of appellant was situated at same village and acquired for same purpose.

6. Considering all above reasons and by applying the principle of parity, the appeal deserves to be partly allowed. The appellant is entitled enhanced compensation @ Rs.83,000/- per hectare. The impugned judgment and award of the Reference Court deserves to be set aside and modified.

7. The appeal is **partly allowed**.

8. The appellant is entitled for compensation @ **Rs.83,000/-** (Rs. Eighty Three thousand only) **per hectare** for acquired land bearing Survey No.25, admeasuring 2.02 HR., situated at village Kurali, Taluka Umarkhed, District Yavatmal, to that extent impugned judgment and award is modified along with statutory benefits, except the period for which the delay was caused in filing the appeal and it was condoned by this Court by order dated 07.03.2016.

9. The respondent No.2 is directed to calculate the appropriate compensation as per above rate and deposit the remaining amount in this Court within six months.

10. The appellant is required to pay the deficit Court fee, if any, on the enhanced amount of compensation.

11. After depositing the amount, the appellant is entitled to withdraw the same and no any further application or order is required for directions to the registry.

12. The registry is directed accordingly to pay that amount.

13. The appeal is **disposed of** accordingly.

(SANJAY A. DESHMUKH, J.)