



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

FIRST APPEAL NO. 625 OF 2013

Govindrao Laxmanrao Mehatre (Dead)
through his legal representatives :

- 1(a) Smt. Kusum Wd/o Govindrao Mehatre,
Aged about 73 years, Occ.-Housewife,
R/o. Chandore Nagar, Dhamangaon Road,
Yavatmal – 445001.
- 1(b) Shri Prashant S/o Govindrao Mehatre,
Aged about 46 years, Occ.-Business,
R/o. Ashok Layout, Arni,
Yavatmal – 445103.
- 1(c) Shri Shashank S/o Govindrao Mehatre,
Aged about 50 years, Occ.-Business,
R/o. Chandore Nagar, Dhamangaon Road,
Yavatmal – 445001.
- 1(d) Shrikant S/o Govindrao Mehatre,
Aged about 48 years, Occ.-Business,
R/o. Plot No.16-A, Shrihari Nagar-1,
Manewada Square, Ring Road,
Nagpur – 440027.

.... **APPELLANTS**

// VERSUS //

- 1) The Executive Engineer,
Bembla Project, V.I.D.C.
Awadhutwadi, Tq. and Dist. Yavatmal.
- 2) The State of Maharashtra,
Represented by Collector, Yavatmal,
Tq. & Dist. Yavatmal.
- 3) The Special Land Acquisition Officer,
Bembla Project Division,
Tq. and Dist. Yavatmal.

.... **RESPONDENTS**

Mrs. S. K. Paunikar, Advocate for Appellant Nos.1(a) to 1(d).
Mr. M. A. Kadu, Advocate for Respondent No.1.
Mrs. Hemlata Dhande, Assistant Government Pleader for
Respondent Nos.2 and 3.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 19th NOVEMBER, 2024.

ORAL JUDGMENT.

1. This appeal is preferred against the judgment and award passed by 2nd Adhoc Additional District Judge, Yavatmal dated 30.08.2006 in Land Acquisition Case No.107/2005.

2. The challenge under this appeal is about land bearing Gat No.19, admeasuring 6.12 HR., situated at village Nagari, Taluka Babhulgaon, District Yavatmal was acquired for public purpose under the “Bembla Project”. Under the same project, other lands were acquired under the same notification and same purposes.

3. Learned Advocate for the appellants is relying upon the Order and Award passed by the Hon’ble Supreme Court in Special Lok Adalat held at Yavatmal in ***Civil Application No.426/2023 and SLP No. 11900/2019 (Dnyaneshwar Rajaram Mehetre (Dead) through LRs. Vs. The State of Maharashtra and others)*** dated 30.07.2024 and 01.08.2024, wherein the Hon’ble Supreme Court

settled the quantum of compensation and enhanced the amount of compensation @ Rs.1,39,500/- per hectare along with statutory benefits for acquired land of village Nagari, Tahsil Babhulgaon, District Yavatmal. The learned Advocate for the appellants submitted that land of appellants is situated near to the land situated in ***Civil Application No.426/2023 and SLP No. 11900/2019***. She, therefore, prayed to award the same rate of compensation to the appellants by applying principle of parity.

4. Perused the impugned judgment as well as Award passed by the Hon'ble Supreme Court in Special Lok Adalat in ***Civil Application No.426/2023 and SLP No. 11900/2019*** cited *supra*.

5. The admitted facts are that land bearing Gat No.19, admeasuring 6.12 HR., situated at village Nagari, Taluka Babhulgaon, District Yavatmal was acquired by notification dated 14.01.1999 according to the Award passed on 19.03.2001. By the Award No.32/47/1997-98, the Land Acquisition Officer awarded compensation @ Rs.55,528/- per hectare. Being aggrieved by it, the original claimant Govindrao had filed a reference under Section 18 of the Land Acquisition Act, 1894. The learned Reference Court enhanced the amount and awarded compensation @ Rs.70,000/- per hectare. However, on going through the Order and Award passed in

Civil Application No.426/2023 and SLP No. 11900/2019 cited *supra* in respect of the lands situated at village Nagari, Taluka Babhulgaon, District Yavatmal of same village, this Court is satisfied that this appeal is fully covered by the Award passed in ***Civil Application No.426/2023 and SLP No. 11900/2019*** cited *supra*. It is not disputed by the other side. Therefore, the appellants are also entitled for same rate of compensation on the principle of parity as the land of appellants 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 appellants are entitled enhanced compensation @ Rs.1,39,500/- per hectare along with statutory benefit as per terms of Settlement recorded in ***Civil Application No.426/2023 and SLP No. 11900/2019***. The impugned judgment and award of the Reference Court deserves to be set aside and modified.

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

8. The appellants are entitled for compensation @ **Rs.1,39,500/-** (Rs. One Lakh Thirty Nine Thousand Five Hundred only) **per hectare** for acquired land bearing Gat No.19, admeasuring 6.12 HR., situated at village Nagari, Taluka Babhulgaon, District

Yavatmal, to that extent impugned judgment and award is modified along with statutory benefits as per terms of Settlement recorded in ***Civil Application No.426/2023 and SLP No. 11900/2019***, except the period for which the delay was caused in filing the appeal and it was condoned by this Court by order dated 15.07.2013.

9. The respondent No.1 is directed to calculate the appropriate compensation as per above rate and deposit the remaining amount in this Court within six months.

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

11. After depositing the amount, the appellants are 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.)