



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

FIRST APPEAL NO. 1275 OF 2013

General Manager, Central Railway,
Through Dy. Chief Engineer,
Central Railway, Construction,
Ajni Nagpur.

.... **APPELLANT**

// VERSUS //

1) Harnarayan S/o. Punamchandji Laddha,
Aged about 61 years, Occ.-Business,
R/o. Vilas Nagar, Amravati,
Tq. and Dist. Amravati.

2) State of Maharashtra,
Through the Collector, Amravati,
Tah. and Dist. Amravati.

3) Special Land Acquisition Officer,
Minor Irrigation Work, Amravati.

.... **RESPONDENTS**

WITH

CROSS OBJECTION NO. 22 OF 2014

IN

FIRST APPEAL NO. 1275 OF 2013

General Manager, Central Railway,
Through Dy. Chief Engineer,
Central Railway, Construction,
Ajni Nagpur.

.... **APPELLANT**
(RESPONDENT)

// VERSUS //

1) Harnarayan S/o. Punamchandji Laddha,
(**Dead**) through Legal Representatives :

1-a) Durga wd/o. Harnarayan Laddha,
(Widow), Aged about Major,
R/o. Plot No.33,
Gurukunj, Badnera Road,
Near Kanhaiya Kunj Hotel,
Sai Nagar, Amravati – 444607.

1-b) Sugana w/o Prafful Samdani,
(Married daughter) Alias
Sugana Harnarayan Laddha,
(Before Marriage), Aged about Major,
R/o. Flat No.11, Vighnaharta Palace,
Jamner Road, Anand Nagar,
Bhusawal, Jalgaon – 425401.

1-c) Parag Harnarayan Laddha (Son),
Aged about Major,

1-d) Pawan Harnarayan Laddha (Son),
Aged about Major,

Both No.(1-c) and (1-d),
R/o. Plot No.33,
Gurukunj, Badnera Road,
Near Kanhaiya Kunj Hotel,
Sai Nagar, Amravati – 444607.

..... **OBJECTORS.**

2) The Collector, Amravati,
Tah. and Dist. Amravati.

3) Special Land Acquisition Officer,
Minor Irrigation Work, Amravati.

.... **RESPONDENTS**

Mr. N. P. Lambat, Advocate for Appellant in FA No.1275/2013
and Respondent in XOB No.22/2014.

Mr. J. J. Chandurkar, Advocate for Respondent No.1 in FA
No.1275/2013 and for Objectors in XOB No.22/2014.

Ms. R. V. Sharma, Assistant Government Pleader for
Respondent Nos.2 and 3 in FA No.1275/2013 and XOB
No.22/2014.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 12th DECEMBER, 2024

ORAL JUDGMENT.

1. This appeal and cross-objection is preferred against the
judgment and award passed by 2nd Joint Civil Judge, Senior Division,

Amravati, dated 03.05.2012 in Land Acquisition Case No.46/2009, whereby the reference filed by original claimant/respondent No.1 was partly allowed and the compensation towards acquired plot @ Rs.1000/- per sq.mtr. was granted.

2. The Layout Plot Nos.13/B and 13/A, admeasuring 1500 sq. ft. (139.50 sq.mtr) each, out of field Survey No.21, situated at Mouja Akoli, Tahsil and District Amravati was acquired by the appellant for the construction of new Railway Line connecting Amravati to Narkhed. A Notification under Section 4 of the Land Acquisition Act, 1894 was issued on 03.09.2001. The Land Acquisition Officer passed the Award in L.A.C. No.38/47/94-95 on 19.05.2004 and awarded compensation @ Rs.400/- per sq.mtr. to the respondent No.1/cross objectors. Being aggrieved, the original claimant had filed a reference under Section 18 of the Land Acquisition Act, 1894.

3. The learned Reference Court enhanced the amount of compensation @ Rs.1000/- per sq.mtr. of the acquired plots. Being dissatisfied, the appellant – acquiring body have filed this appeal for setting aside the impugned judgment as exorbitant amount was awarded to the claimant. In this appeal, the Cross-objection filed by claimant/cross-objectors for enhancement the amount of

compensation, as meager amount of compensation was awarded by the learned Reference Court for acquired plots.

4. Learned Advocates for the parties submitted that this appeal and cross-objection is covered by the decision of this Court passed in ***First Appeal No. 1282 of 2013*** (*Union of India through the General Manager, Central Railway, Chatrapati Shivaji Terminus, Mumbai & One Another Vs. Radheshyam Ramjeevan Laddha and two others*) decided on ***30.04.2024***, wherein this Court after considering parity enhanced the amount of compensation @ Rs.3,000/- per sq.mtr. for acquired plots of same village. The learned Advocate for the respondent No.1/cross-objectors submitted that plots of cross-objectors are similarly situated with the plots situated in ***First Appeal No. 1282 of 2013***. He, therefore, prayed to award the same rate of amount of compensation to the cross-objectors. It is not disputed by other side.

5. Perused the impugned judgment and award and the above referred judgment passed in ***First Appeal No. 1282 of 2013*** cited *supra*.

6. The admitted facts are that the Layout Plot Nos.13/B and 13/A, admeasuring 1500 sq. ft. (139.50 sq.mtr) each, out of field Survey No.21, situated at Mouja Akoli, Tahsil and District Amravati

was acquired by the appellant for the construction of new Railway Line Amravati to Narkhed. The plots acquired in this appeal and acquired in ***First Appeal No. 1282 of 2013*** were situated at same village and acquired for same purposes.

7. This Court has satisfied that the appeal and cross-objection are fully covered by the decision rendered by this Court in ***First Appeal No. 1282 of 2013*** (cited supra). Therefore, the cross objectors are also entitled for same rate of compensation as the plots of cross-objectors was situated at same village and acquired for same purposes. Considering this fact and applying the principle of parity, the appeal lacks merit therefore, the appeal deserves to be dismissed and Cross-objection deserves to be partly allowed. The impugned judgment and award of the Reference Court deserves to be partly set aside and modified.

8. The appeal filed by acquiring body is dismissed and Cross-objection filed by claimant/cross-objectors is **partly allowed**.

9. The Cross-objectors are entitled for compensation at the rate of **Rs.3000/- (Rs. Three Thousand only) per sq. mtr.** for the acquired Layout Plot Nos.13/B and 13/A, admeasuring 1500 sq. ft. (139.50 sq.mtr) each, out of field Survey No.21, situated at Mouja

Akoli, Tahsil and District Amravati, to that extent impugned judgment and award is modified along with statutory benefits.

10. The Acquiring Body is directed to calculate the appropriate compensation as per above rate and deposit the remaining amount in this Court within six months.

11. The Cross-objectors are required to pay the deficit Court fee, if any, on the enhanced amount of compensation.

12. After depositing the amount, the Cross-objectors are entitled to withdraw the same and no any further application or order in it is required for directions to the Registry.

13. The Registry is directed accordingly to pay that amount.

14. The Appeal and Cross-objection are **disposed of** accordingly.

(SANJAY A. DESHMUKH, J.)