



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

FIRST APPEAL NO. 147 OF 2024

APPELLANT : Sushila Nanaji Dagwar, through POA
Subhash Nanaji Dagwar, Aged 52
years, Occ. Agriculturist, R/o. Kolhi,
Tq. Babhulgaon & Dist. Yavatmal.

//VERSUS//

RESPONDENTS : 1. State of Maharashtra, through
Collector, Yavatmal.
2. Special Land Acquisition Officer,
Benefited Zone, Yavatmal, Tq. & Dist.
Yavatmal.
3. The Executive Engineer, Bembla
Project Division, Yavatmal, Tq. &
Dist. Yavatmal.

Mr. A.B. Nakshane, Advocate for the Appellant.
Mr. M.A. Kadu, AGP for Respondent Nos.1 & 2.
Mr. K.R. Lule, Advocate for Respondent No.3.

CORAM : G. A. SANAP, J.
DATED : 23rd JANUARY, 2024.

ORAL JUDGMENT

Heard Mr. A.B. Nakshane, learned advocate for the
appellant, Mr. M.A. Kadu, learned AGP for respondent Nos.1 and
2 and Mr. K.R. Lule, learned advocate for respondent No.3.
Perused the record and proceedings.

02] In this appeal, challenge is to the impugned judgment and award dated 20.04.2017, passed by the learned Joint Civil Judge (Senior Division), Yavatmal (for short “the Reference Court”), whereby the reference was partly allowed and the compensation was enhanced.

03] The land of the appellant bearing Survey No.70, admeasuring 1.21 HR was acquired for Bembla River Project *vide* Award dated 27.06.2005. The notification under Section 4 of the Land Acquisition Act, 1894 was issued on 24.07.2003. The Land Acquisition Officer awarded the compensation @ Rs.82,028/- per hectare for 1.20 HR land and @ Rs.1,500/- per hectare for 0.01 potkharaba land. The Reference Court enhanced the compensation to Rs.1,75,000/- per hectare for 1.20 HR land and Rs.87,500/- per hectare for 0.01 potkharaba land. According to the appellant, the enhancement granted by the Reference Court is not in consonance with the evidence on record.

04] Learned advocate for the appellant submitted that this appeal is covered by the decision rendered by the Co-ordinate Bench of this Court in *First Appeal No.399/2011 (Ashok s/o. Uttamchand Kotecha (Since Dead) through his L.Rs. Vs. The State*

of Maharashtra, through Collector, Yavatmal & Ors.), decided on 07.03.2019. It is pointed out that in respect of the similarly situated land acquired for the same project, the compensation is awarded @ Rs.2,10,000/- per hectare in respect of dry crop land.

05] Learned AGP for respondent Nos.1 and 2 and learned advocate for respondent No.3 submit that this appeal would be covered by the decision rendered by the Co-ordinate Bench of this Court in First Appeal No.399/2011.

06] In view of the above, the appeal is **allowed**. The respondents are directed to pay the compensation @ Rs.2,10,000/- (Rupees Two Lakhs Ten Thousand Only) per hectare in respect of 1.20 HR land and @ Rs.1,05,000/- (Rupees One Lakh Five Thousand Only) per hectare in respect of 0.01 HR land.

07] The appellant would be entitled to get the interest and other benefits, as awarded by the Reference Court.

08] It is made clear that while calculating the aforesaid amount, interest and other statutory benefits for the period of delay of 1348 days caused in filing this appeal, shall not be calculated and granted.

09] The respondent No.3 shall deposit the compensation within six months from today.

10] The appeal is disposed of accordingly. No order as to costs.

(G. A. SANAP, J.)

Vijay