



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

FIRST APPEAL NO. 1285 OF 2013
WITH
CROSS-OBJECTION NO. 03 OF 2015

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FIRST APPEAL NO. 1285 OF 2013

APPELLANTS : 1. Union of India, through the General
Manager, Central Railway, Chhatrapati
Shivaji Terminus, Mumbai.
2. Dy. Chief Engineer (Production),
Central Railway, Ajni, Amravati.

//VERSUS//

RESPONDENTS : 1. Smt. Sushma Ravikant Kakde, Aged
28 Years, Occ. Household, R/o. Near
Hanuman Mandir, Ravi Nagar,
Amravati, Tq. & Dist. Amravati.
2. State of Maharashtra, Through
Collector, Amravati.
3. Special Land Acquisition Officer, (L.C.
Works), Collector Office, Amravati.

Mr. N.P. Lambat, Advocate for the Appellants.
Mr. P.R. Agrawal, Advocate for Respondent No.1.
Mr. M.A. Kadu, AGP for Respondent Nos.2 & 3.

WITH
CROSS-OBJECTION NO. 03 OF 2015
IN
FIRST APPEAL NO. 1285 OF 2013

CROSS-OBJECTOR : Smt. Sushma Ravikant Kakde, Aged Years, Occ. Household, R/o. Near Hanuman Mandir, Ravi Nagar, Amravati, Tq. & Dist. Amravati.

//VERSUS//

RESPONDENTS : 1. Union of India, through General Manager, Central Railway, Chhatrapati Shivaji Terminus, Mumbai.
2. Dy. Chief Executive Engineer (Construction), Central Railway, Akoli, Sai Nagar, Amravati.
3. State of Maharashtra, through Collector, Amravati.
4. Special Land Acquisition Officer, Minor Irrigation Works, Amravati.

Mr. P.R. Agrawal, Advocate for the Cross-objector.

Mr. N.P. Lambat, Advocate for Respondent Nos.1 & 2.

Mr. M.A. Kadu, AGP for Respondent Nos.3 & 4.

CORAM : **G. A. SANAP, J.**

DATED : **30th APRIL, 2024.**

ORAL JUDGMENT

. The challenge in this appeal as well as in the cross-objection is to the judgment and award dated 14.11.2011, passed by the learned 2nd Joint Civil Judge (Senior Division), Amravati (for short, “the Reference Court”), whereby the reference filed by the

claimant was partly allowed and the market price of the acquired land determined by the Land Acquisition Officer @ Rs.450/- per sq. mtr. was enhanced to Rs.900/- per sq. mtr.

02] The factual position in the present appeal is as under:-

Amravati-Narkhed Railway Line, District Amravati			
Date of Notification under Section 4 of the Land Acquisition Act, 1894.			15.04.2001
Address of property	Details of property	LAO Award Dated 19.05.2004	Ref. Court Award Dated 14.11.2011
Mouje: Akoli , Tahsil & District : Amravati	Survey Nos.8/2 & 8/3 Plot No.23 3010 sq. ft.	Rs.450/- per sq. mtr.	Rs.900/- per sq. mtr.

Corrected as
per Court's
Order dt.
03.07.2025

03] Learned advocate for the claimant submitted that this appeal and the cross-objection are covered by the decision rendered by the Co-ordinate Bench of this Court (Coram : Pushpa V. Ganediwala, J.), in *First Appeal No.1273/2013 [Union of India, Central Railway through Deputy Chief Engineer (Construction), Central Railway, Akoli Railway Station, Akoli, Amravati Vs. Sau. Rekha Narhari Bind & Others, with First Appeal No.1145/2015, dated 26.11.2019]*. Learned advocate submitted that the land of the claimant, which was a plot, was acquired by the Acquiring Body for construction of Amravati-Narkhed Railway Line. Learned advocate

submitted that the plot of the claimant is similarly situated with the plot of the claimant in First Appeal Nos.1273/2013 and 1145/2015 in all respects. Learned advocate submitted that the Co-ordinate Bench of this Court, *vide* order dated 26.11.2019, determined the market price of the plot in the said appeal @ Rs.3,000/- per sq. mtr. Learned advocate submitted that the plot of the claimant is situated in the vicinity of the plot of the claimant in First Appeal Nos.1273/2013 and 1145/2015.

04] It needs to be stated that the application was filed by the Acquiring Body for review of the judgment and order passed in First Appeal No.1273/2013. It is pertinent to mention that the said review application, being Review Application Stamp No.4160/2021, has been dismissed by this Court *vide* order dated 29.04.2024. The question is whether the decision rendered by the Co-ordinate Bench of this Court in First Appeal Nos.1273/2013 and 1145/2015 could be made the basis for determining the market price of the acquired land of the claimant.

05] Learned advocate for the Acquiring Body submitted that all the plots acquired for the same purpose and by the same award could not be said to be similar in all respects.

06] In order to appreciate the submission advanced by learned advocate for the Acquiring Body, I have perused the map. The sale deed of the plot from Survey No.17 was made the basis to determine the market price of the plot in First Appeal Nos.1273/2013 and 1145/2015. Perusal of the map would show that Survey No.21, where the plot of the claimant is situated, is in the same locality, and the plot is having more or less the same benefits and advantages. In my view, therefore, this appeal and the cross-objection are squarely covered by the decision rendered by the Co-ordinate Bench of this Court in First Appeal Nos.1273/2013 and 1145/2015. I do not find any reason to discriminate between the claimant in this appeal and the claimant in First Appeal Nos.1273/2013 and 1145/2015. The claimant in this case is, therefore, entitled to get compensation in respect of her plot @ Rs.3,000/- per sq. mtr. Accordingly, the following order is passed:

- a) First Appeal No.1285/2013, filed by the Union of India, is **dismissed**. Cross-objection No.03/2015, filed by the claimant, is **allowed**.
- b) The appellants/Union of India shall pay a compensation @ Rs.3,000/- (Rs. Three Thousand Only) per sq. mtr. in

respect of the plot of the claimant in this case with interest and other statutory benefits granted by the Reference Court.

- c) The enhanced compensation shall be deposited within six months from today.
- d) The claimant shall pay the deficit court fee, if any, within a period of eight weeks from today.

07] The appeal and cross-objection are accordingly disposed of. No order as to costs.

Sd/-
(G. A. SANAP, J.)

As per the order dated 03.07.2025, the correction in respect of the area of the plot in the table of paragraph 2 is carried out.

(ABHAY J. MANTRI, J.)

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