



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

FIRST APPEAL NO.586 OF 2013

Maharashtra Industrial Development Corporation, having its office at Marol Industrial Estate, Andheri East, Mumbai and having its Regional Office at By Pass Road, Amravati, through its Chief Executive Officer, Amravati

.... APPELLANTS

// V E R S U S //

1 **Saibuddin S/o. Samsoddin**

2. **Nooroddin S/o. Samsoddin**
(since Dead by Legal heirs)

(a) Smt. Jahurinissa Wd/o. Nuruddin,
Aged about 55 Yrs.,

(b) Riyazoddin S/o. Nuruddin,
Aged about 37 Yrs.,

(c) Iojazoddin S/o. Nuruddin,
Aged about 35 Yrs.,

(d) Kamroddin S/o. Nuruddin,
Aged about 34 Yrs.,

(e) Ku Nasrin d/o. Nuruddin,
Aged about 33 Yrs.,

(f) Ku Raziya d/o. Nuruddin,
Aged about 32 Yrs.,

(g) Ku Farheen d/o. Nuruddin,
Aged about 30 Yrs.,

(h) Fukaroddin S/o. Nuruddin,
Aged about 28 Yrs.,

(i) Rihanoddin S/o. Nuruddin,
Aged about 26 Yrs.,

(j) Farhanoddin S/o. Nuruddin,
Aged about 24 Yrs.,

All 1 and 2(a) to 2(j),
R/o. Badnera Juni Basti,
Tq. and Dist. Amravati

3. **Noorjahanbi W/o. Alimoddin,**

4. **Ajimodin Alimoddin,**

5. **Jahiroddin Alimoddin,**

6. **Kalimoddin Alimoddin,**

7. **Isaroddin Alimoddin,**

8. **Shanazbano Abakalhak**

9. **Alauddin Mohinuddin**

10. **Saimoddin Mohimoddin,**

11. **Shafulla Parveen Mohimoddin,**

12. **Nizamoddin Mohimoddin**

13. **Ikeramoddin Mohimoddin**

14. **Sadikabai Mohimoddin,**

All 3 to 14 R/o. Nandgaonpeth,
Presently at Badnera Taluka and
District Amravati

15. **State of Maharashtra,**
Through Collector, Amravati

16. **Sub-Divisional Officer Cum**
Land Acquisition Officer, Amravati

... RESPONDENTS

Mr Parth Sagdeo, Adv. h/f. Mr M. M. Agnihotri, Advocate for the appellant
Mr S. P. Deshpande, Advocate for respondent Nos.1 to 14
Mr M. A. Kadu, AGP for respondent Nos. 15 and 16/State

CORAM : G. A. SANAP, J.

DATE : 24/04/2024

ORAL JUDGMENT :

1 Heard finally with the consent of learned
Advocates for the parties.

2 In this appeal, the challenge is to the judgment
and award dated 30.07.2009, passed by the 3rd Joint Civil
Judge, Senior Division, Amravati, whereby the reference filed
by the respondent Nos.1 to 14/claimants was partly allowed
and the market rate of the acquired land, determined by the
land acquisition officer, was enhanced to Rs.1,00,000/- per
hector. The land of the claimants bearing Gat No. 37
admeasuring 6.21 H.R. situated at village Tuljapur, Distt.
Amravati was acquired for industrial purpose by the
Maharashtra Industrial Development Corporation (For short

‘the MIDC’). The notification under Section 32(2) of the Maharashtra Industrial Development Act, 1961, was issued on 02.06.1994. The award was passed on 20.03.1997. The land acquisition officer awarded the compensation @ of Rs.37,900/- per hector in respect of 1.62 H.R. land and @ of Rs.1500/- per hector in respect of 4.59 H.R. land. The claimants, being aggrieved by the inadequate market price determined by the land acquisition officer, filed the reference. The reference Court, on consideration of the evidence on record, awarded the compensation @ of Rs.1,00,000/- per hector in respect of the entire land admeasuring 6.21 H.R. The appellant-MIDC, being aggrieved by this judgment and award passed by the reference Court, is in appeal before this Court.

3 I have heard learned holding Advocate Mr Parth Sagdeo for the appellant, learned Advocate Mr S. P. Deshpande for respondent Nos.1 to 14 and learned AGP Mr M. A. Kadu for respondent Nos. 15 and 16/State.

4 In the facts and circumstances, following points fall for my determination:

(i) *Whether the market price of the acquired land determined by the reference Court is just, proper and reasonable ?*

(ii) *What order ?*

5 Learned Advocates for the parties submitted that this appeal is covered by the decision rendered by the Division Bench of this Court in First Appeal No. 54 of 2013 (*Maharashtra Industrial Development Corporation, Amravati .v/s. Mohan Shriram Nimdeokar and others*) and First Appeal No.245 of 2012 (*Mohan Shriram Nimdeokar .v/ s. State of Maharashtra and others*). Learned Advocates for the parties further submitted that the land in the appeals before the Division Bench was acquired for the same purpose by an Award dated 20.03.1997. In the said appeals, the notification under Section 32(2) of the Maharashtra Industrial

Development Act, 1961, was issued on 02.06.1994. It is pointed out that in the reference, which gave rise to the appeal before the Division Bench, the compensation was enhanced in respect of similarly situated land by the reference Court i.e. @ of Rs.1,00,000/- per hector.

6 I have gone through the decision rendered by the Division Bench of this Court in First Appeal No.54 of 2013 and First Appeal No. 245 of 2012. On perusal of the decision dated 28/29.06.2017, it is seen that the land in the said appeal was acquired for the same purpose. The Gat number of the land in appeal before the Division Bench was '47'. Gat number of the land in this appeal is '37'. It is therefore evident that the lands are situated in the vicinity. The lands, as submitted by the Advocates, are similar in all respects, therefore, in my view, this appeal is fully covered by the decision rendered by the Division Bench in the above said appeals. I, therefore, conclude that the compensation awarded by the reference

Court is just, proper and reasonable. No interference is warranted in the judgment and award passed by the reference Court. Therefore, I answer the above points in the affirmative. In view of this, the appeal stands dismissed.

7 The first appeal stands disposed of, accordingly. No order as to costs. Pending applications, if any, stand disposed of.

(G. A. SANAP, J.)

Namrata