



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

FIRST APPEAL NO. 708 OF 2011

Vidarbha Irrigation Development
Corporation, through its
Executive Engineer,
Arunavati Project Division, Digras,
Tq. Digras, District - Yavatmal.

.... **APPELLANT**

// **VERSUS** //

- 1) Shrivallabh Ramkisan Dhoot (Dead)
through his Legal Representatives :
- 1(a) Suruchi W/o Vijaykumar Mundhada,
Aged about 65 years, Occ.-Housewife,
R/o. C-1301, Silver Leaf CHS Ltd.,
Akruli Road, Kandivali (East), Mumbai-400 101.
- 1(b) Ashok S/o Shrivallabh Dhoot (Dead)
Through his legal representatives :
- 1(b-i) Kanta W/o Ashok Dhoot,
Aged about 60 years, Occ.-Housewife,
- 1(b-ii) Anup S/o Ashok Dhoot,
Aged about 35 years, Occ.-Business,
- 1(b-iii) Kirti D/o Ashok Dhoot,
Aged about 32 years, Occ.-Housewife,
- 1(b-iv) Namrata D/o Ashok Dhoot,
Aged about 24 years, Occ.-Housewife,
All R/o. Kapad Galli, Latur,
Tah. and District – Latur.
- 1(c) Vinod S/o Shrivallabh Dhoot (Dead)
Through his Legal Representatives :
- 1(c-i) Sarala Wd/o Vinod Dhoot,
Aged about 52 years, Occ.-Housewife,
- 1(c-ii) Radhika D/o Vinodkumar Dhoot,
Aged about 35 years, Occ.-Nil,

- 1(c-iii) Pawan S/o Vinodkumar Dhoot,
Aged about 30 years, Occ.-Service,
- 1(c-iv) Samruddhi D/o Vinodkumar Dhoot,
Aged about 19 years, Occ.-Student,
All R/o. Near Nag Mandir, Digras,
Tah. Digras, District Yavatmal.
- 1(d) Rekha Madhusudan Bang,
Aged about 55 years, Occ.-Housewife,
R/o. Pannalal Nagar, Amravati.
- 1(e) Jaiprakash Shrivallabh Dhoot (Dead)
Through his Legal Representatives :
- 1(e-i) Anuradha Wd/o. Jaiprakash Dhoot,
Aged about 53 years, Occ.-Housewife,
R/o. Near Nag Mandir, Digras,
Tah. Digras, District Yavatmal.
- 1(e-ii) Shruti Hardik Biyani,
Aged about 28 years, Occ.-Housewife,
R/o. Block No.1, Radha Krishna Pande
Apartment, Near Prabhakar Maharaj
Mandir, Samrat Chowk, Solapur,
District Solapur.
- 1(e-iii) Madhav S/o. Jaiprakash Dhoot,
Aged about 27 years, Occ.-Business,
R/o. Near Nag Mandir, Digras,
Tah. Digras, District Yavatmal.
- 1(f) Sangeeta Mukesh Bang,
Aged about 50 years, Occ.-Housewife,
R/o. Karanja (Lad), Tah. Karanja (Lad),
District – Washim.
- 2) The State of Maharashtra,
Through the Collector, Yavatmal,
Tq. and Dist. Yavatmal.
- 3) The Special Land Acquisition Officer,
Benefited Zone, Arunavati Project,
Head Office Collectorate, Yavatmal.

.... **RESPONDENTS**

Mr. Raunak Kurani, Advocate holding for Mr. A. B. Patil,
Advocate for Appellant.
Mr. V. N. Patre, Advocate for Respondent Nos.1(b-i) to 1(b-iv),
1(c-i) to 1(c-iv), 1(d) and 1(e-i) to 1(e-iii).
Mr. M. A. Kadu, Assistant Government Pleader for Respondent
Nos.2 and 3.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 29th AUGUST, 2024.

ORAL JUDGMENT.

1. This appeal is preferred against the judgment and award passed by Civil Judge, Senior Division, Darwha, District Yavatmal dated 29.04.2009 in Land Acquisition Case No.464/2004 (old L.A.C. No.17/1995).

2. The brief facts of the case are as under :

(i) The land of the original claimant – Shrivallabh Dhoot bearing Gat No.70, admeasuring 10H. situated at village Chincholi, Tahsil Digras, District Yavatmal was acquired for the submergence of the Arunavati River Project by notification dated 19.10.1988. The Land Acquisition Officer passed award dated 30.01.1992. According to award, the Land Acquisition Officer awarded compensation of the acquired land @ of Rs.18,000/- per hectare and total amount of compensation of Rs.1,80,000/- was granted to the claimant. The claimant under protest accepted the said amount.

(ii) The claimant filed reference under Section 18 of the Land Acquisition Act, 1894 and claimed enhanced market value of the acquired land at Rs.3,50,000/- per hectare. After appreciating the evidence, the learned Reference Court on 29.04.2009, enhanced the compensation from 18,000/- per hectare to Rs.1,50,000/- per hectare to the claimant.

(iii) Being aggrieved by this Award passed by the learned Reference Court, the appellant/acquiring body filed this appeal.

3. Heard learned Advocate Mr. Raunak Kurani holding for Mr. A. B. Patil, learned Advocate for the appellant, learned Advocate Mr. V. N. Patre for respondent Nos.1(b-i) to 1(b-iv), 1(c-i) to 1(c-iv), 1(d) and 1(e-i) to 1(e-iii) and learned Assistant Government Pleader Mr. M. A. Kadu for respondent Nos.2 and 3.

4. Learned Advocate for the appellant/acquiring body submitted that an exorbitant amount of compensation is awarded to the claimants without having any evidence on record, therefore, the award deserves to be quashed and set aside. He relied upon the judgment passed by this Court in ***First Appeal No.918 of 2012***, (*Bhagwandas S/o Ballabhdas Atal Vs. The State of Maharashtra and two others*), decided on **18.11.2022** and submitted that this Court after appreciating the evidence and applying principle of parity,

enhanced the compensation @ Rs.1,20,000/- (Rs. One Lakh Twenty Thousand only) per hectare for acquired land. Therefore, he submitted that applying the principal of parity as the land acquired in this appeal and in ***First Appeal No.918 of 2012***, are from the same village and same award and prayed to allow the appeal.

5. Learned Advocate Mr. V. N. Patre for the respondents/claimants strongly opposed the appeal and submitted that after appreciating the evidence of an expert and considering the material placed on record and on applying principle of parity, the learned Reference Court enhanced compensation amount @ Rs.1,50,000/- per hectare. Therefore, no interference is warranted in the impugned judgment. It is lastly prayed to dismiss the appeal.

6. Perused the record and proceedings and judgment of this Court passed in ***First Appeal No.918 of 2012*** cited supra.

7. It is admitted fact that land of the claimant bearing Gat No.70, admeasuring 10H. situated at village Chincholi, Tahsil Digras, District Yavatmal was acquired for the submergence of the Arunavati River Project and learned Reference Court was enhanced compensation @ Rs.1,50,000/- per hectare to the claimant. However, judgment of this Court passed in ***First Appeal No.918 of 2012*** cited supra, this Court after appreciating the evidence and

applying the principle of parity enhanced compensation amount of Rs.1,20,000/- per hectare. The land acquired in this appeal as well as in ***First Appeal No.918 of 2012*** are of same village and those were acquired by same award and for same purpose, therefore applying the principle of parity, the appeal deserves to be partly allowed by fixing rate of Rs.1,20,000/- per hectare as compensation. The impugned judgment and award of the Reference Court deserves to be partly set aside and modified.

8. The appeal is **partly allowed**.

9. The Judgment and award passed by learned Reference Court in L.A.C. No.464/2004 (Old L.A.C. No.17/1995) dated 29.04.2009 is partly set aside and modified as under :

The claimants are entitled to compensation at the rate of **Rs.1,20,000/-** (Rupees One Lakh Twenty Thousand only) per hectare along with statutory benefits of acquired land bearing Gat No.70, admeasuring 10H. situated at village Chincholi, Tahsil Digras, District Yavatmal, instead of Rs.1,50,000/- per hectare.

10. The appeal is **disposed of**.

(SANJAY A. DESHMUKH, J.)