



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

FIRST APPEAL NO. 921 OF 2024

Narayan Suryabhan Kosti (Dead)
Through Legal Representatives :

1) Narmada Bhaurao Gadling (Dead)
Through Legal Representatives :

1A) Nalubai Jahaliya,
Aged about 47 years, Occ.-Household,

1B) Vinayak Bhaurao Gadling,
Aged about 52 years, Occ.-Agriculturist,

1C) Ashok Bhaurao Gadling,
Aged about 50 years, Occ.-Agriculturist,

2) Ganga Nanaji Bindod (Dead)
Through Legal Representatives :

2A) Ramu Nanaji Bandod,
Aged about 53 years, Occ.-Agriculturist,

2B) Shalini Sudhakar Pise (Dead)
Through Legal Representatives :

2B-I) Diksha Sudhakar Pise,

2B-II) Piyush Sudhakar Pise,

Both Minor through Legal Guardian
Ashok Bhaurao Gadling,

2C) Sau. Rama Sharadrao Nakhale,
Aged about 45 years, Occ.-Household,

All R/o. Pahur, Tq. Babhulgaon,
District - Yavatmal.

.... **APPELLANTS**

// **VERSUS** //

- 1) The State of Maharashtra,
Represented by the Collector, Yavatmal,
Tq. & Dist. Yavatmal.
- 2) The Special Land Acquisition Officer,
Minor Irrigation Works No.2,
Yavatmal, Tq. and Dist. Yavatmal.
- 3) The Executive Engineer,
Bembla Project Office, Yavatmal
Tq. and Dist. Yavatmal.

.... **RESPONDENTS**

Mr. A. B. Nakshane, Advocate for Appellants.
Ms. M. R. Kavimandan, Assistant Government Pleader for
Respondent Nos.1 and 2.
Mr. M. A. Kadu, Advocate for Respondent No.3.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 04th OCTOBER, 2024.

ORAL JUDGMENT.

1. This appeal is preferred against the judgment and award passed by Joint Civil Judge, Senior Division, Yavatmal, District Yavatmal dated 25.09.2017 in Land Acquisition Case No.428/2005.

2. The challenge under this appeal is about open plot area admeasuring 48.09 sq.mtr. and constructed area 48.09 sq. mtr. of Plot No. 340, situated at village Pahur, Taluka Babhulgaon, District Yavatmal was acquired for public purpose under Bembla Project. Under the same project, other lands as well as constructed houses were acquired under the same notification and same purposes.

3. Learned Advocate for the appellants relied upon the judgment of this Court in ***First Appeal No.430/2024*** (*Anmol S/o Shrawan Umratkar Vs. The State of Maharashtra and two others*) dated ***23rd April, 2024*** wherein this Court after considering parity enhanced the compensation regarding open plot @ Rs.750/- per sq.mtr. and constructed structure @ Rs.2421/- per sq. mtr. of the same village. The learned Advocate for the appellants submitted that plot of appellants are similarly situated with the plot in ***First Appeal No.430/2024***. He, therefore, prayed to award the same rate to the appellants.

4. Perused the impugned judgment and the judgment of this Court dated ***23rd April, 2024*** passed in ***First Appeal No.430/2024***.

5. Heard learned Advocate for both sides.

6. The admitted facts are that house No.340, admeasuring 48.09 open plot area and 48.09 sq. mtr. constructed area of village Pahur, Tahsil Babhulgaon, District Yavatmal was acquired by notification dated 11.05.2000 according to the award passed on 17.10.2003. By the award of Land Acquisition Officer, open plot @ Rs.80/- per sq.mtr. and constructed area @ Rs.572/- per sq. mtr was fixed and total amount of Rs.52,056/- was granted as

compensation to the appellants. Being aggrieved, the appellants have filed a reference under Section 18 of the Land Acquisition Act, 1894. The reference application was dismissed by the Reference Court. However, on going through the judgment rendered in ***First Appeal No.430/2024*** in respect of the property situated at village Pahur, I am satisfied that this appeal is covered by the decision rendered in ***First Appeal No.430/2024***. The appellants are also entitled for same rate of compensation. Considering this fact and applying the principle of parity, the appeal deserves to be partly allowed. The impugned judgment and award of the Reference Court deserves to be quashed and set aside.

7. The appeal is **partly allowed**.

8. The appellants are entitled for compensation @ **Rs.750/-** per sq. mtr. for the open plot area of 48.09 sq. mtr. and @ **Rs.715/-** per sq.mtr. for constructed area of 48.09 sq. mtr., along with statutory benefits except the period for which the delay was caused in filing the appeal and it was condoned by this Court on 10.09.2024.

9. The respondent No.3 is directed to calculate the appropriate compensation as per above rate and deposit the remaining amount in this Court within six months.

10. The appellants are required to pay the deficit Court fee, if any, on the enhanced amount of compensation.
11. After depositing the amount, the appellants are entitled to withdraw the same and no any further application or order is required for directions to the registry.
12. The registry is directed accordingly to pay that amount.
13. The appeal is **disposed of**.

(SANJAY A. DESHMUKH, J.)