



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

FIRST APPEAL NO. 1289 OF 2013

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

//VERSUS//

- RESPONDENTS** : 1. Narayandasji Jagannathji Lahoti, Aged 67 Years, Occ. Business, R/o. Chitra Chowk, Amravati, Tq. & Dist. Amravati.
2. State of Maharashtra, through Collector, Amravati.
3. Special Land Acquisition Officer, Minor Irrigation Works, Amravati.

Mr. N.P. Lambat, Advocate for the Appellants.

Mr. P.S. Tembhare, Advocate for Respondent No.1.

Mr. Saurabh C. Joshi, AGP for Respondent Nos.2 & 3.

CORAM : G. A. SANAP, J.

DATED : 30th APRIL, 2024.

ORAL JUDGMENT

. In this appeal, filed by the Acquiring Body, challenge 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 respondent No.1/claimant was partly allowed and the market price of the acquired plot determined by the Land Acquisition Officer @ Rs.400/- 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.			15.03.2001
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 No.13/3 Plot No.2 279.638 sq. mtr.	Rs.400/- per sq. mtr.	Rs.900/- per sq. mtr.

03] Learned advocate for the appellants, in all fairness, concedes that this appeal would be 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 application

filed for review of the judgment in First Appeal No.1273/2013, being Review Application Stamp No.4160/2021, has been dismissed by this Court *vide* order dated 29.04.2024 and, therefore, the fate of this appeal has been sealed.

Corrected as
per Court's
Order dt.
16.04.2025

04] Learned advocate for respondent No.1 submitted that, the respondent No.1 has filed Cross-Objection (St.) No.5043 of 2014 seeking enhancement of compensation. Learned advocate submitted that the acquired plot of respondent No.1 is similarly situated in all respects with the plot of the claimant in First Appeal Nos.1273/2013 and 1145/2015. Learned advocate submitted that, therefore, respondent No.1 is entitled to get the benefit of the decision rendered by the Co-ordinate Bench of this Court in First Appeal Nos.1273/2013 and 1145/2015. Learned advocate submitted that if the compensation awarded to the claimant in First Appeal Nos.1273/2013 and 1145/2015 is not paid to respondent No.1, then it would cause a miscarriage of justice. Learned advocate submitted that similar situation arose before the Co-ordinate Bench of this Court (Coram : R.K. Deshpande, J.) while deciding *First Appeal No.650/2002 [Maharashtra Industrial Development Corporation through its Chief Executive Officer, Bombay & Anr. Vs. Shri Pradip Jogeshwar Babhulkar & Ors., with*

connected appeals, decided on 02.04.2016]. Learned advocate submitted that the Co-ordinate Bench of this Court found the claimants entitled, who had filed the cross-appeals/cross-objections, to get the enhanced compensation. The Co-ordinate Bench noticed that some of the land owners, whose lands had been acquired, did not file the cross-appeals/cross-objections. The Co-ordinate Bench, on considering the factual position and to safeguard the interests of those claimants, exercised the inherent power under Section 151 of the Code of Civil Procedure and extended the benefit of the judgment and order to those land owners/claimants as well.

05] In my view, the majority of the claimants have either filed cross-objections in the appeals filed by the Acquiring Body or separate appeals against the impugned judgment and award. Such claimants are in the majority. Some of the claimants/lands owners have not filed cross-appeals or cross-objections. It is evident on perusal of the record that the plot of respondent No.1 in this appeal is similarly situated in all respects with the plot of the claimant in First Appeal Nos.1273/2013 and 1145/2015. In my view, subject to taking care of the payment of court fee and denial of interest and statutory benefits for the period from the date of the judgment till the decision of this appeal, the submission advanced by learned

advocate for respondent No.1 can be granted. In view of this, the following order is passed :

- a) The appeal is **dismissed**.
- b) The appellants/Acquiring Body is directed to pay compensation to respondent No.1/claimant in respect of his plot @ Rs.3,000/- (Rs. Three Thousand Only) per sq.mtr.
- c) All the claimants in the appeals preferred by the appellant, who are similarly situated, shall be entitled to compensation @ Rs.3000/- (Rupees Three thousand only) per sq.mtr., irrespective of the fact that they have not filed cross-appeal/objection. However, this shall be subject to payment of additional Court Fee on the amount of enhanced compensation.
- d) All the claimants, who have not preferred cross-objection, shall however not be entitled to get any interest and other benefits on the enhanced amount of compensation from the date of the judgment of the Reference Court till this date.

- e) Respondent No.1/claimant shall pay the court fee/ additional court fee on the enhanced amount of compensation in terms of this order within eight weeks from today.
- f) The enhanced amount of compensation be deposited within six months from today.

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

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

(M. W. CHANDWANI, J.)

Vijay