



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

FIRST APPEAL NO. 820 OF 2017

Executive Engineer,
Minor Irrigation Division,
Pusad.

.... **APPELLANT**

// VERSUS //

- 1) Arvind Panjabrao Naik,
Aged about 43 years, Occ.-Farmer,
R/o. Lohara (Khurd),
Tq. Mahagaon, Dist. Yeotmal.
- 2) State of Maharashtra,
Through Collector, Yeotmal..
- 3) Special Land Acquisition Officer,
Upper Penganga Project,
Pusad, Dist. Yeotmal.

.... **RESPONDENTS**

WITH

FIRST APPEAL NO. 880 OF 2024

The Executive Engineer,
Minor Irrigation Division, Pusad,
Tahsil – Pusad, District Yavatmal.

.... **APPELLANT**

// VERSUS //

Prakash Vyankatrao Naik (Dead)
through Legal Representatives :

- 1) Godavari Prakashrao Naik,
Aged about - adult,
- 2) Gajanan Prakashrao Naik,
Aged about - adult,
- 3) Vidyatai Bhojraj Karle,
Aged about - adult,

- 4) Sangita Balu Karhe,
Aged about - adult,
- 5) Rekha Gajanan Maske,
Aged about - adult,
- 6) Vijaymala Premrao Narote,
Aged about - adult,
- 7) Sarla Ashok Pole,
Aged about - adult,
- 8) Mangla Rajesh Kale,
Aged about - adult,

All R/o. Lohra (Kd.),
Tq. Mahagaon, Dist. Yavatmal.
- 9) The Collector, Yavatmal,
Tahsil and District Yavatmal.
- 10) The Special Land Acquisition Officer,
Upper Penganga Project, Pusad,
Tahsil Pusad, Dist. Yavatmal.

.... **RESPONDENTS**

WITH

FIRST APPEAL NO. 832 OF 2024

The Executive Engineer,
Minor Irrigation Division, Pusad,
Tahsil – Pusad, District Yavatmal.

.... **APPELLANT**

// VERSUS //

- 1) Bhima Dhaku Rathod (Dead)
through Legal Representative
Smt. Yashodabai Bhima Rathod,
aged about 61 years, Occ.-Cultivator,
R/o. Lohra (Kd.),
Tq. Mahagaon, Dist. Yavatmal.
- 2) The Collector, Yavatmal,
Tahsil and District Yavatmal.

- 3) The Special Land Acquisition Officer,
Upper Penganga Project, Pusad,
Tahsil Pusad, Dist. Yavatmal.

.... **RESPONDENTS**

WITH

FIRST APPEAL NO. 1255 OF 2017

Executive Engineer,
Minor Irrigation Division, Pusad,
Tahsil – Pusad, District Yavatmal.

.... **APPELLANT**

// VERSUS //

Kisan Fulsing Rathod (**Dead**)
through Legal Representatives :

- 1-a) Zamibai Kisan Rathod,
Aged about 70 years, Occ.-Housewife,
- 1-b) Kailash Kisan Rathod,
Aged about 40 years, Occ.-Farmer,
- 1-c) Sangita Raju Chavan,
Aged about 35 years, Occ.-Household,
- 1-d) Devikabai Ramesh Chavan,
Aged about 38 years, Occ.-Household,
- 1-e) Anitabai Fulsingh Jadhav
Aged about 39 years, Occ.-Household,
All R/o. Lohara,
Tahsil - Mahagaon, District - Yavatmal.
- 2) State of Maharashtra,
Through Collector, Yeotmal.
- 3) Special Land Acquisition Officer,
Upper Penganga Project, Pusad,
Tahsil Pusad, Dist. Yavatmal.

.... **RESPONDENTS**

Mr. Kamlesh Lilhare, Advocate holding for Mr. Amit M. Kukday, Advocate for Appellants in FA No.820/2017 & FA 1255/2017.
Mr. K. R. Lule, Advocate for Appellants in FA No.880/2024 & FA No. 832/2024.
Mr. S. D. Patil, Advocate for respondent No.1 in FA No.820/2017, respondent Nos.1 to 8 in FA No.880/2024, respondent No.1 in FA No.832/2024 and respondent Nos.1(a) to 1(e) in FA No.1255/2017.
Mr. M. A. Kadu, Assistant Government Pleader for Respondent Nos.2 & 3 in FA No.820/2017, Respondent Nos.9 & 10 in FA No.880/2024, Respondent Nos.2 & 3 in FA No. 832/2024 and respondent Nos.2 & 3 in FA No.1255/2017.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 13th SEPTEMBER, 2024.

ORAL JUDGMENT.

1. All these appeals arises out of one and same Notification under Section 4 of the Land Acquisition Act, 1894 dated 07.12.2001 and Award dated 30.05.2005 passed by Land Acquisition Officer in L.A.C. No.5/47/1999-2000, in respect of acquired lands. Hence, these appeals are being disposed of by this common judgment.

2. First Appeal No.820/2017 is preferred by the appellant against the Judgment and decree dated 17.07.2015 passed by Civil Judge, Senior Division, Pusad in Land Acquisition Case No.125 of 2010, whereby the reference filed by respondent No.1/claimant was partly allowed and the compensation was enhanced @ Rs. 2,46,800/-

per hector of the acquired land bearing Survey No.1/2 admeasuring 0.91 HR. and Survey No.22/2 admeasuring 0.46 HR., total admeasuring 1.37 HR., situated at village Lohara, Tahsil Mahagaon, District Yavatmal.

3. First Appeal No.880/2024 is preferred by the appellant against the Judgment and decree dated 12.07.2019 passed by Civil Judge, Senior Division, Pusad in Land Acquisition Case No.122 of 2010, whereby the reference filed by respondent Nos.1 to 8/claimants was partly allowed and the compensation was enhanced @ Rs. 2,46,800/- per hector of the acquired land bearing Survey No.1/3 admeasuring 0.34 HR. and Survey No.2/3 admeasuring 0.16 HR., situated at village Lohara, Tahsil Mahagaon, District Yavatmal.

4. First Appeal No.832/2024 is preferred by the appellant against the Judgment and decree dated 12.07.2019 passed by Civil Judge, Senior Division, Pusad in Land Acquisition Case No.118 of 2010, whereby the reference filed by respondent No.1/claimant was partly allowed and the compensation was enhanced @ Rs. 2,46,800/- per hector of the acquired land bearing Survey No.20/2 admeasuring 0.63 HR., situated at village Lohara, Tahsil Mahagaon, District Yavatmal.

5. First Appeal No.1255/2017 is preferred by the appellant against the Judgment and decree dated 30.04.2015 passed by Civil Judge, Senior Division, Pusad in Land Acquisition Case No.123 of 2010, whereby the reference filed by respondent No.1/claimant was partly allowed and the compensation was enhanced @ Rs. 2,46,800/- per hector of the acquired land bearing Survey No.20/2-B admeasuring 0.21 HR., situated at village Lohara, Tahsil Mahagaon, District Yavatmal.

6. Heard learned Advocates for both sides.

7. Learned Advocate for the respondents/claimants has filed on record judgment passed by this Court in ***First Appeal No. 88 of 2024*** (*The Executive Engineer, Minor Irrigation Division, Pusad Vs. Ganesh Deosing Rathod and others*), decided on 22.04.2024 and submitted that these appeals are covered by the above judgment therefore, all appeals be dismissed in terms of the above judgment. The aforesaid preposition is not disputed by the appellant.

8. Perused the judgments and awards passed by the Reference Court and judgment passed in ***First Appeal No. 88 of 2024*** cited *supra*. It is seen that there was no mistake or illegality on the

part of the Reference Court while determining the market price of the acquired lands. The lands acquired in these appeals as well as in ***First Appeal No. 88 of 2024*** are one and same village and acquired for the same purpose. Considering this fact, all these appeals were fully covered by the decision in ***First Appeal No. 88 of 2024***. Therefore, all these appeals filed by the acquiring body is without substance and deserve to be dismissed.

9. In the result, all these appeals stand **dismissed** on the basis of principle of parity in terms of the above referred judgment. No order as to costs.

(SANJAY A. DESHMUKH, J.)

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