



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

FIRST APPEAL NO. 177 OF 2013

APPELLANT : Vidarbha Irrigation Development Corporation, through its Executive Engineer, Minor Irrigation Division No.2, Chikhali, Buldhana.

//VERSUS//

RESPONDENTS : 1. Vishwanath S/o. Govind Borade, (Since Dead) through his LR's.

1[a] Ananda S/o. Govinda Borade, Aged about 88 Years, Occupation : Not Known.

1[b] Baburao S/o. Govinda Borade, Aged about 71 Years, Occupation : Not Known.

1[c] Sau. Shakuntala w/o. Kachru Wagh, Aged about 81 Years, Occupation : Not Known.

1[d] Sau. Bababai w/o. Tulshiram Kale, Aged about 66 Years, Occupation : Not Known.

Respondent Nos.1 [a] and 1 [b] R/o. Dhad, Tah. & Dist. Buldhana.

Respondent Nos.1 [c] R/o. Chikhalthana, Tah. & Dist. Aurangabad.

Respondent No.1 [d] R/o. Sarolapeer, Tah. Sillod, Dist. Aurangabad.

2. The Special Land Acquisition Officer

Minor Irrigation Works, Buldhana.

Mr. J.B. Kasat, Advocate for the Appellant.

Mr. R.B. Dhore, Advocate with Mr. A.B. Kale, Advocate for
Respondent Nos.1 (a) to 1 (d).

Mr. Ganesh Umale, AGP for Respondent No.2.

CORAM : G. A. SANAP, J.

DATED : 27th MARCH, 2024.

ORAL JUDGMENT

. In this appeal, challenge is to the judgment and award dated 14.01.2011, passed by the learned Civil Judge (Senior Division), Buldhana (for short “the Reference Court”), whereby the claim for enhancement of compensation was partly allowed.

02] The factual position in the present appeal is as under:-

Kardi Minor Irrigation Tank, District Buldhana			
Date of Notification under Section 4 of the Land Acquisition Act, 1894.			16.09.1993
Address of property	Details of property	LAO Award Dated 10.04.1996	Ref. Court Award Dated 14.01.2011
Village: Kardi , Tahsil & District : Buldhana	Gat No.8 1 H 0R	Rs.22,000/- per hectare	Rs.1,40,000/- per hectare

03] The respondents/claimants filed the reference before the Collector, Buldhana. The Collector, Buldhana, made over the

reference to the Civil Court. It is the case of the claimants that their land was dry-crop land. According to them, the price of the land determined by the Land Acquisition Officer was inadequate. According to them, the market price of the acquired land was more than Rs.2,00,000/- per hectare. The Reference Court, on the basis of the evidence, partly allowed the reference and enhanced the compensation from Rs.22,000/- to Rs.1,40,000/- per hectare.

04] The appellant/Acquiring Body, being aggrieved by this judgment and award, has filed this appeal.

05] I have heard learned advocates for the parties. Perused the record and proceedings.

06] Learned advocates for the parties submit that this appeal is covered by the decision rendered by this Court in *First Appeal No. 968/2012 [Vidarbha Irrigation Development Corporation thr. its Executive Engineer, Minor Irrigation Division No.2, Chikhali, Buldhana Vs. Subhash Narayan & Anr. On 27.03.2024]*.

07] Learned advocate for the claimants submitted that the land in this appeal as well as the land in First Appeal No.968/2012 were acquired by the same notification and for the same purpose.

Learned advocate submitted that the land in this appeal was dry-crop land and the land in First Appeal No.968/2012 was irrigated land. It is pointed out that the compensation awarded for irrigated land is Rs.2,80,000/- per hectare, and this Court has confirmed the same. It is submitted that, therefore, the compensation awarded for dry-crop land @ Rs.1,40,000/- per hectare is just, proper, and reasonable. It was 50% less than the compensation awarded for irrigated land.

08] On going through the record and proceedings, it is evident that the land was acquired for the purpose of Kardi Minor Irrigation Tank. The date of award in both the appeals is same. This appeal, in my view, is covered by the decision in First Appeal No.968/2012. The Reference Court has rightly determined the market price of the acquired land. As such, no interference is warranted in the well-reasoned judgment and award passed by the Reference Court. As a result of this, the appeal is **dismissed**. No order as to costs. Pending applications, if any, stand disposed of.

(G. A. SANAP, J.)