



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

FIRST APPEAL NO. 1045 OF 2012

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

//VERSUS//

RESPONDENTS : 1. Uttam S/o. Namdev Kandaje, Aged about 57 Years, Occ. Agriculturist, R/o. Kardi, Tq. & Dist. Buldhana.
2. The Special Land Acquisition Officer, Minor Irrigation Works, Buldhana.

Mr. Ritesh Kalra, Advocate for the Appellant.

Mr. R.B. Dhore, Advocate with Mr. A.B. Kale, Advocate for Respondent No.1.

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 15.01.2011, 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 27.03.1996	Ref. Court Award Dated 15.01.2011
Village: Kardi , Tahsil & District : Buldhana	Gat No.210 0H 63R Gat No.223 0H 61R Gat No.211 0H 32R	Rs.26,000/- per hectare Rs.24,000/- per hectare	Rs.2,80,000/- per hectare

03] Respondent No.1 filed the reference before the Collector, Buldhana. The Collector, Buldhana, made over the reference to the Civil Court. It is the case of respondent No.1 that his land was irrigated. According to him, the price of the land determined by the Land Acquisition Officer was inadequate. According to him, the market price of the acquired land was more than Rs.3,00,000/- per hectare. The Reference Court, on the basis of the evidence, partly allowed the reference and enhanced the compensation from Rs.24,000/- and Rs.26,000/- to Rs.2,80,000/- 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] On going through the record and proceedings, it is seen that the land was acquired for the purpose of Kardi Minor Irrigation Tank. The date of award in both the cases is same. It is, therefore, apparent that the land in First Appeal No.968/2012 is similarly situated with the land of the claimant. The Reference Court has held that the land of the claimant was irrigated land. The land in First Appeal No.968/2012 was also irrigated land. In my view, the Reference Court has rightly determined the market price of the 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.)