



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

FIRST APPEAL NO. 1065 OF 2012

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

//VERSUS//

RESPONDENTS : 1. Shrikrushna S/o. Jayaji Jadhav, Aged about 56 Years, Occupation : Agriculturist, R/o. Kardi, Tq. & Dist. Buldhana.

2. Special Land Acquisition Officer, Minor Irrigation Works, Buldana.

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 24.12.2010, 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:-

DRY-CROP LAND

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	Ref. Court Award Dated
		27.03.1996	24.12.2010
Village: Kardi , Tahsil & District : Buldhana	Gat No.03 1H 00R	Rs.26,000/- per hectare	Rs.1,40,000/- per hectare

IRRIGATED LAND

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	Ref. Court Award Dated
		27.03.1996	24.12.2010
Village: Kardi , Tahsil & District : Buldhana	Gat No.213 0H 31R	Rs.26,000/- 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 the land bearing Gat No.03 was dry-crop land and the land bearing Gat No.2013 was irrigated land. According to him, the

price of the lands determined by the Land Acquisition Officer was inadequate. According to them, the market price of the acquired lands 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.26,000/- to Rs.1,40,000/- per hectare for dry-crop land, and from Rs.26,000/- to Rs.2,80,000/- per hectare for irrigated land.

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 claimant submitted that the lands 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. 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 in the above appeal i.e. First Appeal No.968/2012. It is submitted that, therefore, the compensation awarded for dry-crop land @ Rs.1,40,000/- per hectare and for irrigated land @ Rs.2,80,000/- per hectare is just, proper, and reasonable. The compensation awarded for dry-crop land was 50% less than the compensation awarded for irrigated land.

08] On going through the record and proceedings, it is seen that the lands were 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 claimants. The Reference Court has held that the lands of the claimant were dry-crop and 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.)