



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

FIRST APPEAL NO. 123 OF 2024

APPELLANT
(ON R.A.)

: Narayan Namaji Margade (Dead)
through LRs
Smt. Radhabai Narayan Margade
(Dead)

1. Laxman Narayan Margade
Aged about 55 yrs, Occu:
Agriculturist,
R/o. Pahur (Dabha), Tq. Babhulgaon
Dist. Yavatmal
2. Baban Narayan Margade,
Aged about 52 yrs. Occu: Agriculturist
R/o. Pahur (Dabha), Tq. Babhulgaon
Dist. Yavatmal
3. Pandhurang Narayan Margade,
Aged about 50 Yrs, Occu:
Agriculturist
R/o. Pahur (Dabha), Tq. Babhulgaon
Dist. Yavatmal

//VERSUS//

RESPONDENTS
(on R.A.)

- : 1. State of Maharashtra, through
Collector, Yavatmal,
2. The Special Land Acquisition Office,
Benefitted Zone (for Bembla Project)
Yavatmal, District Yavatmal
3. The Executive Engineer, Bembla
Project Div. Yavatmal Tq. & Dist.
Yavatmal.

Mr. Paras Rathi, Advocate h/f Mr L.B. Rathi, Advocate for
appellant.

Mr. Ganesh Umale, AGP for respondent Nos.1 and 2.

Mr. M.A. Kadu, Advocate for Respondent No.3.

CORAM : G. A. SANAP, J.

DATED : 16th JANUARY, 2024

ORAL JUDGMENT

1. Heard.

2. ADMIT.

3. Taken up for final disposal forthwith by consent of
learned Advocates for the parties.

4. Learned Advocate for the appellants submits that this
appeal is covered by the decision rendered by the co-ordinate
Bench of this Court in First Appeal No.871/2012 (*Shri Manikrao
s/o Sheshrao Baradkar vs. State of Maharashtra and ors.*) with First
Appeal No.978 of 2012 (*V.I.D.C. through its Executive Engineer,
Bembla Project, Yavatmal vs. Manikrao Sheshrao Baradkar and*

ors.) decided on 14.08.2019.

5. The land of the appellant, bearing Gat No. 125 admeasuring 3 hectares and 82 areas, was acquired by the respondents for the Bembla Project. The land was situated at Village Barad Taluka Babhulgaon, District Yavatmal. The notification under Section 4 of the Land Acquisition Act, 1894, was issued on July 24, 2003. The award was passed on June 27, 2005. The Land Acquisition Officer awarded the compensation @ Rs.78,445/- (Rupees Seventy Eight Thousand Four Hundred and Forty Five Only) per hectare.

6. The reference filed by the appellants was allowed, and the compensation was enhanced to Rs.1,75,000/- (Rupees One Lacs Seventy Five Thousand Only) per hectare. The appellants, being aggrieved by the judgment and order passed by the Reference Court on July 12, 2012, have come before this Court in appeal.

7. It is undisputed that the land of the appellants is dry

crop land. The co-ordinate Bench of this Court while deciding First Appeal No.871/2012 with First Appeal No.987/2012, has quantified the compensation for dry crop land @ of Rs.2,10,000/- (Rupees Two Lacs and Ten Thousand Only) per hectare.

8. It is pointed out that the land of the appellants and the land of First Appeal No.871/2012 with First Appeal No.978/2012 are situated in the same village and are similarly situated in all respects. On going through the record, I am satisfied that this appeal would be covered by the decision rendered by co-ordinate Bench of this Court in First Appeal No.871/2012 with First Appeal No.978/2012. Accordingly, the appellants are entitled to get compensation @ of Rs.2,10,000/- (Rupees Two Lacs Ten Thousand Only) per hectare of land bearing Gat No.125 of the area 3 hectares, 82 areas.

9. Therefore, the appeal is **allowed**.

10. The impugned judgment and decree passed by the learned Civil Judge, Senior Division, Yavatmal, dated July 12,

2012, in L.A.C. No. 462/2005 is modified as follows:.

- i) The appellants are entitled to get compensation at the rate of Rs.2,10,000/- (Rs. Two Lakhs and Thousand Only) per hectare with interest and other benefits as determined by the Reference Court.
- ii) The enhanced compensation be deposited within four months.
- iii) Appellants/claimants are required to pay the deficit court fee on the enhanced amount of compensation. If the deficit Court fee is not paid by the appellants/claimants, then the same shall be recovered/deducted from the enhanced compensation amount.

11. The appellants shall not be entitled to get interest and other benefits for the delayed period of 2927 days.

12. The First Appeal stands disposed of accordingly. No order as to costs. Pending applications, if any, stand disposed of.

(G. A. SANAP, J.)