



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

FIRST APPEAL NO. 800 OF 2022

Harishchandra S/o Shyamrao Dhaye,
Aged about 45 years, Occ.-Agriculturist,
R/o. Bhatmarg, Tah. Babhulgaon,
District – Yavatmal.

.... **APPELLANT**

// VERSUS //

- 1) The State of Maharashtra,
Through Collector, Yavatmal,
Tq. & Dist. Yavatmal.
- 2) The Special Land Acquisition Officer,
Bembla Project Yavatmal,
Tq. and Dist. Yavatmal.
- 3) The Executive Engineer,
Bembla Project, Division-Yavatmal,
Tq. and Dist. Yavatmal.

.... **RESPONDENTS**

Mrs. S. K. Paunikar, Advocate for Appellant.
Ms. Hemlata Dhande, Assistant Government Pleader for
Respondent Nos.1 and 2.
Mr. T. M. Zaheer, Advocate for Respondent No.3.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 19th NOVEMBER, 2024.

ORAL JUDGMENT.

1. This appeal is preferred against the judgment and award passed by 2nd Adhoc Additional District Judge, Yavatmal dated 29.08.2006 in Land Acquisition Case No.83/2005.

2. The challenge under this appeal is about land bearing Gat No.11, admeasuring 2H. 2R., situated at village Nagari, Taluka Babhulgaon, District Yavatmal was acquired for public purpose under the “Bembla Project”. Under the same project, other lands were acquired under the same notification and same purposes.

3. Learned Advocate for the appellant is relying upon the Order and Award passed by the Hon’ble Supreme Court in Special Lok Adalat held at Yavatmal in ***Civil Application No.426/2023 and SLP No. 11900/2019*** (*Dnyaneshwar Rajaram Mehetre (Dead) through LRs. Vs. The State of Maharashtra and others*) dated 30.07.2024 and 01.08.2024, wherein the Hon’ble Supreme Court settled the quantum of compensation and enhanced the amount of compensation @ Rs.1,39,500/- per hectare along with statutory benefits for acquired land of village Nagari, Tahsil Babhulgaon, District Yavatmal. The learned Advocate for the appellant submitted that land of appellant is situated near to the land situated in ***Civil Application No.426/2023 and SLP No. 11900/2019***. She, therefore, prayed to award the same rate of compensation to the appellant by applying principle of parity.

4. Perused the impugned judgment as well as Award passed by the Hon'ble Supreme Court in Special Lok Adalat in ***Civil Application No.426/2023 and SLP No. 11900/2019*** cited *supra*.

5. The admitted facts are that land bearing Gat No.11, admeasuring 2H. 2R., situated at village Nagari, Taluka Babhulgaon, District Yavatmal was acquired by notification dated 14.01.1999 according to the Award passed on 19.03.2001. By the Award No.32/47/1997-98, the Land Acquisition Officer awarded compensation @ Rs.56,134/- per hectare. Being aggrieved by it, the appellant/claimant had filed a reference under Section 18 of the Land Acquisition Act, 1894. The learned Reference Court enhanced the amount and awarded compensation @ Rs.70,000/- per hectare. However, on going through the Order and Award passed in ***Civil Application No.426/2023 and SLP No. 11900/2019*** cited *supra* in respect of the lands situated at village Nagari, Taluka Babhulgaon, District Yavatmal of same village, this Court is satisfied that this appeal is fully covered by the Award passed in ***Civil Application No.426/2023 and SLP No. 11900/2019*** cited *supra*. It is not disputed by the other side. Therefore, the appellant is also entitled for same rate of compensation on the principle of parity as the land of appellant was situated at same village and acquired for same purpose.

6. Considering all above reasons and by applying the principle of parity, the appeal deserves to be partly allowed. The appellant is entitled enhanced compensation @ Rs.1,39,500/- per hectare along with statutory benefit as per terms of Settlement recorded in ***Civil Application No.426/2023 and SLP No. 11900/2019***. The impugned judgment and award of the Reference Court deserves to be set aside and modified.

7. The appeal is **partly allowed**.

8. The appellant is entitled for compensation @ **Rs.1,39,500/-** (Rs. One Lakh Thirty Nine Thousand Five Hundred only) **per hectare** for acquired land bearing Gat No.11, admeasuring 2H. 2R., situated at village Nagari, Taluka Babhulgaon, District Yavatmal, to that extent impugned judgment and award is modified along with statutory benefits as per terms of Settlement recorded in ***Civil Application No.426/2023 and SLP No. 11900/2019***, except the period for which the delay was caused in filing the appeal and it was condoned by this Court by order dated 17.08.2022.

9. The respondent No.3 is directed to calculate the appropriate compensation as per above rate and deposit the remaining amount in this Court within six months.

10. The appellant is required to pay the deficit Court fee, if any, on the enhanced amount of compensation.
11. After depositing the amount, the appellant is entitled to withdraw the same and no any further application or order is required for directions to the registry.
12. The registry is directed accordingly to pay that amount.
13. The appeal is **disposed of** accordingly.

(SANJAY A. DESHMUKH, J.)