



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

FIRST APPEAL NO. 559 OF 2016

APPELLANTS

- : 1. Pandurang S/o. Kashiram Ade
(Dead), through L.Rs.
- Amendment carried out as
per Court's Order dt.
28.02.2024
- 1 [a] Jijabai Pandurang Ade, Aged about
55 Years.
- 1 [b] Taravanti Maroti Rathod, Aged about
33 Years.
- 1 [c] Satyashila Sanjay Pawar, Aged about
30 Years.
- 1 [d] Vishwanath Pandurang Ade, Aged
about 29 Years.
- 1 [e] Shital Nursing Rathod, Aged about
28 Years.
- 1 [f] Eknath Pandurang Ade, Aged about
25 Years.
- All are Residents of Bhiku Nagar, Tq.
Mahagaon, District – Yavatmal.

//VERSUS//

RESPONDENTS

- : 1. The State of Maharashtra, through
the Collector, Yavatmal.
2. Executive Engineer, Minor Irrigation
Division, Pusad, District : Yavatmal.
3. Special Land Acquisition Officer,
Lower Pus Project, Pusad, Tahsil
Pusad, District : Yavatmal.

Mr. K.S. Narwade, Advocate for the Appellants.

Ms. Prachi Joshi, AGP for Respondent Nos.1 & 3.

Mr. A.M. Kukday, Advocate for Respondent No.2.

CORAM : G. A. SANAP, J.

DATED : 15th APRIL, 2024.

ORAL JUDGMENT

. In this appeal, challenge is to the judgment and award dated 03.09.2013, passed by the learned Civil Judge (Senior Division), Pusad (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:-

Amdapur Irrigation Project, District Yavatmal			
Date of Notification under Section 4 of the Land Acquisition Act, 1894.			21.08.1997
Address of property	Details of property	LAO Award Dated 27.11.2000	Ref. Court Award Dated 03.09.2013
Village: Kurli , Tq. Umarkhed, Dist. Yavatmal.	Gat No.58 & 60 1H 24R	Rs.17,500/- per hectare	Rs.35,000/- per hectare

03] Learned advocates for the parties submit that this appeal is covered by the decision rendered by this Court in *First Appeal No.8/2015 [Ulhas S/o. Hiranman Rathod Vs. The Collector, Yavatmal & Others, on 05.09.2023]*.

04] Learned advocate for the appellants submits that the land in this appeal and the land in First Appeal No.8/2015 are similarly situated in all respects. The lands are dry-crop lands. It is pointed out that the compensation awarded by this Court for dry-crop land in First Appeal No.8/2015 is @ Rs.83,000/- per hectare. It is seen that, while deciding First Appeal No.8/2015, number of judgments decided in the first appeals arising out of the award passed in respect of the same project and the same village have been considered.

05] On going through the record and proceedings, I am satisfied that this appeal is covered by the decision rendered in First Appeal No.8/2015. Accordingly, the appeal deserves to be allowed. Hence the following order:

- a) The appeal is **allowed**.
- b) Respondent No.2-Acquiring Body is directed to pay compensation to the appellants @ Rs.83,000/- (Rupees Eighty Three Thousand Only) per hectare.
- c) The remaining part of the impugned order is maintained as it is.

- d) It is made clear that while calculating the aforesaid amount, interest and other statutory benefits for the period of delay of 656 days caused in filing this appeal, shall not be calculated and granted.
- e) The amount of compensation with interest in terms of this order be deposited within ten weeks.
- f) Failure to deposit the said amount within stipulated time shall entail serious consequences.

06] The appeal is disposed of accordingly. No order as to costs. Pending applications, if any, stand disposed of.

(G. A. SANAP, J.)

Vijay