



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

FIRST APPEAL NO. 783 OF 2022

- APPELLANTS** : 1. Vidarbha Irrigation Development Corporation, Nagpur through its Executive Engineer, Medium Project Division, Yavatmal (now Yavatmal Project Construction Division, Yavatmal).
2. The Executive Engineer, Medium Project Division, Yavatmal (now Yavatmal Project Construction Division, Yavatmal).

//VERSUS//

- RESPONDENTS** : 1. Sudhakar Nagorao Mundhe, Aged about 54 years, Occupation : Agriculturist, R/o. Kolambi, Yavatmal, Tq. & Dist. Yavatmal.
2. The State of Maharashtra, through Collector, Yavatmal, Tq. & Dist. Yavatmal.
3. The Spl. Land Acquisition Officer, Minor Irrigation No.1, Yavatmal, Tq. & Dist. Yavatmal.

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. V.D. Darne, Advocate for Respondent No.1.
Mr. K.R. Lule, AGP for Respondent Nos.2 & 3.

CORAM : G. A. SANAP, J.
DATED : 31st JANUARY, 2024.

ORAL JUDGMENT

. In this appeal, challenge is to the impugned judgment and award dated 19.01.2017, passed by learned Joint Civil Judge (Senior Division), Yavatmal (for short “the Reference Court”), whereby the reference filed for enhancement of the compensation was partly allowed.

02] The land belonging to respondent No.1, bearing Gat No.159/2, admeasuring 1.73 HR, situated at village Kolambi, Tq. and Dist. Yavatmal, was acquired pursuant to the notification published under Section 4 of the Land Acquisition Act, 1894, dated 21.09.2006 for the purpose of the Kolambi Minor Irrigation Tank. The Award was passed on 07.07.2007. The Land Acquisition Officer determined the price of the land at Rs.55,600/- per hectare for 1.69 HR land, Rs.1,500/- per hectare for 0.04 potkharab land, Rs.44,029/- for well, and Rs.2,771/- for trees.

03] I have heard Mr. Vinay Dahat, learned advocate for the appellants, Mr. V.D. Darne, learned advocate for respondent No.1 and Mr. K.R. Lule, learned AGP for respondent Nos.2 and 3. Perused the record and proceedings.

04] Learned advocate for the appellants submitted that the Reference Court has not enhanced the compensation in respect of the trees. Learned advocate submitted that the price of the land determined by the Reference Court is within four times the price of the land determined by the Land Acquisition Officer and, therefore, in view of the Government Resolution dated 23.02.2017, the Court may pass appropriate orders. In short, it is submitted that this appeal with regard to the price of the land is covered by that Resolution. As far as the well is concerned, learned advocate submitted that the claimant, on the basis of the evidence of the valuer, has claimed the compensation of Rs.1,50,000/- for the well. However, after considering the evidence, the compensation for well was quantified at Rs.58,000/-. It is submitted that it is excessive and exorbitant.

05] I have minutely perused the record and proceedings. As far as the compensation awarded in respect of the land is concerned, there is no need to interfere with the same, inasmuch as it is within four times of the compensation awarded by the Land Acquisition Officer. As far as the compensation for the well is concerned, I have gone through the evidence of the valuer and the claimant. In their evidence, the year of the construction of the well,

the nature of the construction, the material used for the well, and other details of the well have been established.

06] The perusal of the impugned judgment and award passed by the Reference Court would show that the Reference Court has taken the entire evidence and other factors into consideration to determine the price of the well. On re-appreciation of the evidence, I do not see any reason to interfere with the finding recorded by the Reference Court. In view of this, I do not see any substance in the appeal. The appeal is, accordingly, **dismissed**.

(G. A. SANAP, J.)

Vijay