



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

FIRST APPEAL NO. 434 OF 2024

Dy. Chief Engineer,
Central Railway, Ajni Nagpur,
Tah. & Dist. Nagpur.

.... APPELLANT
(Original non-applicant on
R.A.)

// VERSUS //

1. **Shri Sunil S/o. Santosh Khadse,**
Aged about : 44 Yrs., Occu. : Cultivation,
R/o. Ratnapur, Tah. Deoli & Distt.
Wardha.
2. **Shri Sachin S/o. Santosh Khadse,**
Aged about : 35 Yrs., Occu. : Cultivation,
R/o. Ratnapur, Tah. Deoli & Distt.
Wardha.
3. **The State of Maharashtra,**
Through its Collector Wardha,
Tah. & Distt. Wardha.
4. **Special Land Acquisition Officer (G),**
Wardha, Tah. & Dist. Wardha

... RESPONDENTS
(Original Applicant on R.A.)

Mr N. P. Lambat, Advocate for the appellant
Ms Prachi Joshi, AGP for respondent Nos. 3 and 4

CORAM : G. A. SANAP, J.
DATE : 18/04/2024

ORAL JUDGMENT :

1 Heard finally with the consent of learned Advocates

for the parties.

2 In this appeal, challenge is to the judgment and award dated 02.04.2019 passed by the Civil Judge, Senior Division, Wardha, whereby the reference filed by respondent Nos.1 and 2 was allowed and the compensation for their dry crop lands was enhanced to Rs.5,00,000/- (Rupees Five Lacs Only) per hectare.

3 Background facts:

Respondent Nos.1 and 2 are the owners of land bearing survey Nos.14 and 359, admeasuring 1.40 HR and 0.98 HR. Out of these lands, 0.30 HR and 0.16 HR lands were acquired by the appellant for laying Wardha-Nanded via Yavatmal-Pusad New Railway Line. A notification under Section 4 (1) of the Land Acquisition Act, 1894 was published on 14.03.2013. The Land Acquisition Officer passed the award on 11.11.2013 and awarded compensation @ of Rs.2,47,300/- (Rupees Two Lacs Forty Seven Thousand Three

Hundred Only) per hectare for survey No.14 and Rs.2,47,300/- (Rupees Two Lacs Forty Seven Thousand Three Hundred Only) per hectare for survey No.359.

4. The respondent Nos.1 and 2 were aggrieved by the judgment and award passed by the Land Acquisition Officer. They therefore, filed a reference before the Collector. The Collector made over the reference to the Civil Court. The learned Civil Judge, on consideration of the evidence enhanced the compensation from Rs.2,47,300/- (Rupees Two Lacs Forty Seven Thousand Three Hundred Only) per hectare to Rs.5,00,000/- (Rupees Five Lacs Only) per hectare each for survey Numbers 14 and 359. Being aggrieved by this judgment and award, the acquiring body has come before this Court in appeal.

5. I have heard learned Advocate Mr N. P. Lambat for the appellant and the learned AGP Ms Prachi Joshi for the respondent Nos. 3 and 4/State. Perused the record and

proceedings.

6. Learned Advocates for the parties submit that this appeal is covered by the decision of this Court in *First Appeal No.337/2024 (Prashant Nagorao Vitalkar Vs. State of Maharashtra and others)* with *First Appeal No.338/2024 (The Executive Engineer, Central Railway, Ajni Nagpur vs. Shri Prashant Nagorao Vitalkar and others)* decided on 18.04.2024. Learned Advocates pointed out that this Court has awarded the compensation for irrigated land @ of Rs.10,00,000/- (Rupees Ten Lacs Only) per hectare and for dry crop land @ of Rs.5,00,000/- (Rupees Five Lacs Only) per hectare. It is submitted that the lands in this appeal as well as the land in First Appeal No.337/2024 with First Appeal No.338/2024 are similar in all respects. The lands are situated in the same area and acquired for the same purpose under same notification.

7. It is seen that the Reference Court has awarded compensation @ Rs.5,00,000/- (Rupees Five Lacs Only) per hectare each in respect of acquired land from survey Nos.14 and 359, admeasuring 0.30 H.R. and 0.16 HR, respectively which is dry crop land. In my view, this appeal is fully covered by the decision rendered by this Court in the above two appeals on 18.04.2024. In view of this, I do not see any substance in the appeal.

8. Accordingly, First appeal stands dismissed.

9. The first appeal stands disposed of. No order as to costs. Pending applications, if any, stand disposed of.

(G. A. SANAP, J.)