



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

**FIRST APPEAL NO. 74 OF 2024**  
**with**  
**FIRST APPEAL NO. 258 OF 2022**  
**with**  
**FIRST APPEAL NO. 923 OF 2018**  
**with**  
**FIRST APPEAL NO. 1238 OF 2016**

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**FIRST APPEAL NO. 74 OF 2024**

**APPELLANT** : The Executive Engineer,  
Purna Medium Project, Achalpur Division,  
Tal. Achalpur, Dist. Amravati.

**VERSUS**

**RESPONDENTS** : 1] Triveni Babarao Deshmukh,  
Aged about 78 years, Occu. Agriculturist,  
  
2] Satish Babarao Deshmukh,  
Aged 48 years, Occu. Agriculturist,  
  
Both R/o Bramhanwada Pathak,  
Tah. Chandur Bazar, Dist. Amravati.  
  
3] State of Maharashtra,  
through the Collector, Amravati.  
  
4] The Special Land Acquisition Officer,  
Upper Wardha Project No.IV,  
Amravati, Tal. and Dist. Amravati.

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Mr. U. A. Gosavi, Advocate for the appellant  
Mr. R. J. Shinde, Advocate for respondent nos.1 and 2.  
Mrs. M. R. Kavimandan, A.G.P. for respondent nos.3 and 4.

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**with**

**FIRST APPEAL NO. 258 OF 2022**

**APPELLANT** : The Executive Engineer,  
Purna Medium Project, Achalpur Division,  
Tal. Achalpur, Dist. Amravati.

**VERSUS**

**RESPONDENTS** : 1] Diwakar Kisanrao Takarkhede,  
Aged about 46 years, Occu. Agriculturist,  
R/o Brahmanwada Pathak,  
Tah. Chandur Bazar, Dist. Amravati

2] State of Maharashtra,  
through the Collector, Amravati.

3] The Special Land Acquisition Officer,  
Upper Wardha Project No.IV,  
Amravati, Tal. and Dist. Amravati.

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Mr. U. A. Gosavi, Advocate for the appellant  
Mr. R. J. Shinde, Advocate for respondent no.1  
Mr. G. S. Umale, A.G.P. for respondent nos.2 and 3.

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**with****FIRST APPEAL NO. 923 OF 2018**

**APPELLANT** : The Executive Engineer,  
Purna Medium Project, Achalpur Division,  
Achalpur Camp, Tah. Achalpur, Dist. Amravati.

**VERSUS**

**RESPONDENTS** : 1] Yashwantrao S/o Gabdaji Nichat,  
*(Deceased), through his LRs.*

a] Smt. Renabai Wd/o Yashwantrao Nichat,  
Aged about 75 years, Occu. Household,  
*(Died. through LRs who are already on record)*

- b] Namdeo S/o Yashwantrao Nichat,  
Aged about 60 years, Occu. Agriculturist,
- c] Haribhau S/o Yashwantrao Nichat,  
Aged about 58 years, Occu. Agriculturist,
- d] Deorao S/o Yashwantrao Nichat,  
Aged about 56 years, Occu. Agriculturist,
- e] Dnyaneshwar S/o Yashwantrao Nichat,  
Aged about 54 years, Occu. Agriculturist,
- f] Shantabai D/o Yashwantrao Nichat,  
Aged about 53 years, Occu. Household,  
All R/o Brahmanwada Thadi,  
Tah. Chandur Bazar, Dist. Amravati.
- g] Nirmalabai W/o Kisanrao Ghotkar,  
Aged about 52 years, Occu. Household  
R/o Jarud, Tah. Warud, Dist. Amravati.
- 2] State of Maharashtra,  
through the Collector, Amravati.  
Tah. And Dist. Amravati.
- 3] The Special Land Acquisition Officer,  
(Upper Wardha Project No.4),  
Amravati, Tal. and Dist. Amravati.

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Mrs. Anjali Joshi, Advocate for the appellant  
 Mr. R. J. Shinde, Advocate for respondent nos.1a to 1g  
 Mrs. M. R. Kavimandan, A.G.P. for respondent nos.2 and 3.

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with  
**FIRST APPEAL NO. 1238 OF 2016**

**APPELLANT** : Vidarbha Irrigation Development Corporation,  
 Executive Engineer,  
 Purna Medium Project Division,  
 Tal. Achalpur, Dist. Amravati.

**VERSUS**

**RESPONDENTS :** 1] Onkarrao Ramchandra Wankhade,  
Aged about 54 years, Occu. Agriculturist,  
R/o Sonori, Tq. Chandur Bazar, Dist. Amravati

2] State of Maharashtra,  
through the Collector, Amravati.

3] Special Land Acquisition Officer,  
(Upper Wardha Project No.4)  
Amravati, Tal. and Dist. Amravati.

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Mr. J. B. Kasat, Advocate for the appellant  
Mr. R. J. Shinde, Advocate for respondent no.1.  
Ms. Kavita Bhondge, A.G.P. for respondent nos.2 and 3.

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**CORAM : G. A. SANAP, J.**  
**DATED : MARCH 20, 2024.**

**ORAL JUDGMENT**

1. In view of the submission made by the parties that these appeals are identical and are covered by the decision of this Court, they are being disposed of by this common judgment.

2. In these appeals filed by the appellant-acquiring body, original respondent in the reference proceedings, challenge is to the judgment and award passed by learned Civil Judge, Senior Division, Achalpur (hereinafter referred to as “the Reference Court”), whereby the references filed by

respondents/claimants have been allowed and the compensation in respect of the acquired land has been enhanced.

3. The description of the acquired lands with other details can be stated in a tabulated form as follows:

**FIRST APPEAL NO. 74 OF 2024**

| <b>Construction of canal of Purna Medium Project</b>                           |                                          |                                       |                                              |
|--------------------------------------------------------------------------------|------------------------------------------|---------------------------------------|----------------------------------------------|
| <b>Date of Notification under Section 4 of the Land Acquisition Act, 1894.</b> |                                          |                                       | <b>30.12.2004</b>                            |
| <b>Address of property</b>                                                     | <b>Details of property</b>               | <b>LAO Award Dated<br/>14.08.2007</b> | <b>Ref. Court Award Dated<br/>02.08.2019</b> |
| Village: <b>Brahmanwada-Pathak, Tah. Chandur Bazar, Dist. Amravati</b>         | Survey No.103<br>Area acquired – 0.17 HR | Rs.65,000/-<br>per hectare            | Rs.6,78,588/-<br>per hectare                 |

**FIRST APPEAL NO.258/2022**

| <b>Construction of Hirapur Minor Canal of Purna Medium Project</b>             |                                           |                                       |                                              |
|--------------------------------------------------------------------------------|-------------------------------------------|---------------------------------------|----------------------------------------------|
| <b>Date of Notification under Section 4 of the Land Acquisition Act, 1894.</b> |                                           |                                       | <b>30.12.2004</b>                            |
| <b>Address of property</b>                                                     | <b>Details of property</b>                | <b>LAO Award Dated<br/>14.08.2007</b> | <b>Ref. Court Award Dated<br/>27.03.2019</b> |
| Village: <b>Brahmanwada-Pathak, Tah. Chandur Bazar, Dist. Amravati</b>         | Survey No. 147<br>Area acquired – 0.56 HR | Rs.65,000/-<br>per hectare            | Rs.6,78,588/-<br>per hectare                 |

**FIRST APPEAL NO. 923 OF 2018**

| <b>Construction of canal of Purna Medium Project</b>                           |                                          |                                                                        |                                              |
|--------------------------------------------------------------------------------|------------------------------------------|------------------------------------------------------------------------|----------------------------------------------|
| <b>Date of Notification under Section 4 of the Land Acquisition Act, 1894.</b> |                                          |                                                                        | <b>15.10.2003</b>                            |
| <b>Address of property</b>                                                     | <b>Details of property</b>               | <b>LAO Award Dated<br/>12.08.2005</b>                                  | <b>Ref. Court Award Dated<br/>12.08.2015</b> |
| Village: <b>Brahmanwada-Pathak, Tah. Chandur Bazar, Dist. Amravati</b>         | Survey No.399<br>Area acquired – 0.46 HR | @ Rs.58,500/- PH for 0.25 HR and<br>@ Rs.54,000/- PH for 0.21 HR land. | Rs.6,78,588/- per hectare                    |

**FIRST APPEAL NO. 1238 OF 2016**

| <b>Construction of canal of Purna Medium Project</b>                           |                                          |                                       |                                              |
|--------------------------------------------------------------------------------|------------------------------------------|---------------------------------------|----------------------------------------------|
| <b>Date of Notification under Section 4 of the Land Acquisition Act, 1894.</b> |                                          |                                       | <b>30.12.2004</b>                            |
| <b>Address of property</b>                                                     | <b>Details of property</b>               | <b>LAO Award Dated<br/>14.08.2007</b> | <b>Ref. Court Award Dated<br/>07.02.2015</b> |
| Village: <b>Brahmanwada-Pathak, Tah. Chandur Bazar, Dist. Amravati</b>         | Survey No.174<br>Area acquired – 0.32 HR | Rs.65,000/- per hectare               | Rs.6,78,588/- per hectare                    |

4. The lands of the respondents/claimants were acquired for Purna Medium Project, Dist. Amravati. The notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to “the L.A.Act”) was published on respective dates mentioned above. The Land Acquisition Officer passed the award on 12.08.2005 and 14.08.2007. The LAO determined the market price

of the acquired land @ Rs. 65,000/- per hectare and @ Rs.58,500/- per hectare in FA No.923/2018.

5. Respondents/claimants being aggrieved by inadequacy of compensation granted by the LAO, made a reference application before the Collector, Amravati. The Collector forwarded the said reference application to the District Court. The respondents/claimants contended that their lands were irrigated land. The lands were black soil, good quality and fertile land, According to them, the compensation awarded by the LAO was inadequate. On the basis of the evidence adduced by the respondents/claimants before the Reference Court, the Reference Court enhanced the compensation from Rs. 65,000/- and Rs.58,500/- per hectare to Rs. 6,78,588/- per hectare.

6. Being aggrieved by the enhanced compensation awarded by the Reference Court, the acquiring body has filed these appeals.

7. I have heard Mr. U.A. Gosavi, Mrs. Anjali Joshi and Mr. J.B. Kasat, learned advocates for the appellant/acquiring body, Mr. R. J. Shinde, learned advocate for the respondents claimants and learned Asst. Government Pleader for the respondent /State. Perused the record and proceedings.

8. Learned advocates for the parties submit that these three appeals are covered by the decision rendered by this Court in *First Appeal No. 846/2016 (Executive Engineer, Purna Medium Project Division, Achalpur, Dist. Amravati .vs. Sau. Vandana W/o Rameshwarrao Ganorkar and others)* on 20.03.2024.

9. The land in F.A No. 846/2016 was irrigated land. The lands are situated at the same village. It is pointed out that the lands in these appeals and the land in F.A. No. 846/2016, are similarly situated in all respects.

10. The Reference Court has recorded a finding that the lands in these appeals are irrigated lands and awarded compensation @ Rs. 6,78,588/- per hectare. The claimants have adduced evidence to prove that the lands are irrigated lands. The 7/12 extracts are on record. The crop pattern, as can be seen from the 7/12 extracts, supports the contention of the claimants that the lands are irrigated lands. In the facts and circumstances, I do not see that the Reference Court has committed any mistake. The compensation awarded is just, proper and reasonable. The first appeals are fully covered by the decision in F.A. No. 846/2016, decided on 20.03.2024.

11. In view of the above, I conclude that there is no substance in these appeals. The appeals are accordingly dismissed. No order as to costs.

( G. A. SANAP, J. )

*Diwale*