



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

FIRST APPEAL NO. 88 OF 2024

APPELLANT : The Executive Engineer,
Minor Irrigation Division,
Pusad, Tahsil – Pusad, Dist. Yavatmal.

VERSUS

RESPONDENTS : 1] Ganesh Deosing Rathod,
Aged about 61 years, Occu. Cultivator,
R/o Lohra (Kd.), Tah. Mahagaon,
Dist. Yavatmal.

2] The Collector, Yavatmal,
Tah. & Dist. Yavatmal.

3] The Special Land Acquisition Officer,
Upper Painganga Project, Pusad,
Tah. Pusad, Dist. Yavatmal.

Mr. Kaustubh R. Lule, Advocate for the appellant
Mr. S. D. Patil, Advocate for the respondent no.1.
Mr. M. A. Kadu, A. G. P. for respondent nos.2 and 3.

CORAM : G. A. SANAP, J.
DATED : APRIL 22, 2024.

ORAL JUDGMENT

1. Heard.

2. **ADMIT.** Taken up for final disposal forthwith by the consent of
learned advocates for the parties.

3. In this appeal filed under Section 54 of the Land Acquisition Act, 1894, (hereinafter referred to as “the L.A. Act” for short) challenge is to the judgment and award dated 12.07.2019, passed by learned Civil Judge, Senior Division, Pusad, in Land Acquisition Case No. 121/2010, whereby the reference filed by respondent no.1/claimant was partly allowed and the compensation was enhanced.

4. The land of respondent no.1-claimant, bearing survey No.20/2-A, admeasuring 0.34 HR, situated at village Lohra, Tah. Mahagaon, Dist. Yavatmal, was acquired for main canal of Jamnala Project. The notification under Section 4 of the L.A. Act was published on 07.12.2001. Respondent no.3 – Special Land Acquisition Officer passed the award on 30.05.2005 and determined the market price of the acquired land @ Rs.42,000/- per hectare. The claimant filed reference before the Collector. The Collector made over the reference to the Civil Court. The Reference Court, by the judgment and order dated 12.07.2019 determined the market price of the acquired land @ Rs.2,46,800/- per hectare. The appellant/acquiring body, being aggrieved by this judgment and award, is before this Court in appeal.

5. I have heard Mr. K.R. Lule, learned Advocate for the appellant, Mr. S.D. Patil, learned advocate for respondent no.1 and Mr. M.A. Kadu, learned advocate for respondent nos.2&3. Perused the record and proceedings.

6. In the facts and circumstances, following points fall for my determination :-

“Whether the market price of the acquired land, determined by the Reference Court, is just, proper and reasonable ?”

7. Mr. Patil, learned advocate for respondent no.1/claimant has filed on record two judgments rendered by the co-ordinate bench of this Court in *First Appeal No. 1016 of 2010 with connected appeals (Ratansingh Chinga Bhelka .vs. State of Maharashtra and others)* and *First Appeal No. 127/2010 with connected appeal (Ramrao Tukaram Sakhare .vs. The Collector, Yavatmal and others)*. It is pointed out that the Reference Court, by relying upon the judgments rendered by the coordinate bench of this Court and on considering the other relevant factors, determined the market price of the acquired land as above. Learned advocate for the claimant submitted that the claim was fully covered by the above referred two judgments of the coordinate bench of this High Court. Learned advocate for the appellant submitted that considering the material placed on record, the Court may pass an appropriate order.

8. I have gone through the judgment and award passed by the Reference Court. The Reference Court has categorically held that the villages Lohra, Botha and Dongargaon are adjoining to each other. The acquired land in this appeal was situated at village Lohra. The Reference Court has observed that the coordinate bench of this Court in the above referred First Appeals has

determined the market price of the acquired land, situated at villages Dongargaon, Morath and Botha, @ Rs.1,70,200/- per hectare. The Reference Court, relying upon the earlier decisions of the coordinate bench of this High Court, determined the market price of the acquired land in this appeal. The Reference Court has recorded the reasons for determining the market price of the land by giving 10% rise per year and determined the compensation Rs.2,46,800/- per hectare.

9. On going through the record, it is seen that there was no mistake or illegality on the part of the Reference Court while determining the market price of the acquired land, relying upon the decisions in First Appeals mentioned above. The reference was, therefore, fully covered by the decisions in *First Appeal No. 1016 of 2010 and other connected appeals and First Appeal No. 127/2010*, as mentioned above. In my view therefore, the appeal filed by the acquiring body is without substance. As such, I record my finding on the point in the affirmative.

10. In the result, the appeal stands dismissed. The appellant shall deposit the amount of compensation within four months from today in this Court. No order as to costs.

(G. A. SANAP, J.)