



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

FIRST APPEAL NO. 106 OF 2024

Mahavir S/o. Suganchand Chopda,
Aged 48 Yrs., Occu.: Agriculturists,
R/o. Amravati, Tq. & Dist.
Distt. Amravati

.... APPELLANT

// VERSUS //

1. **The State of Maharashtra,**
through the Collector, Yavatmal
2. **Special Land Acquisition Officer,**
Minor Irrigation Works no.2,
Yavatmal
3. **The Executive Engineer,**
Bembla Project Division, Yavatmal,
Tq. and Dist. Yavatmal

... RESPONDENTS

Mr A. B. Nakshane Advocate for the appellant
Mr Ganesh Umale, AGP for the State/respondent Nos. 1 and 2
Mr M. A. Kadu, Advocate for respondent No. 3

CORAM : G. A. SANAP, J.
DATE : 12/01/2024

ORAL JUDGMENT :

1 Heard.

2 **ADMIT.** Heard finally with the consent of learned
Advocates for the parties.

3 The land of the appellant bearing Gat Nos. 65/1 and 6/1 was acquired for Bembla River Project vide award dated 09.06.2005. Notification under Section 4 of the Land Acquisition Act, 1894 was issued on 14.08.2003. Land Acquisition Officer awarded the compensation @ of Rs.92,907/- (Rupees Ninety Two Thousand Nine Hundred and Seven only) per hector for 1.21 H.R. land and @ of Rs.89,150/- (Rupees Eighty Nine Thousand One Hundred and Fifty Only) per hector for 2.36 H.R. land. In reference, filed by the appellant, the compensation was enhanced to Rs.1,75,000/- per hector. The appellant, being aggrieved by this judgment and order passed by the reference Court dated 02.08.2012 in Land Acquisition Case No. 93 of 2010 has filed this appeal.

4 I have heard the learned Advocates for the parties. Perused the record and proceedings.

5 Learned Advocate for the appellant submitted that this appeal is covered by the decision rendered by the Co-ordinate

Bench of this Court in ***First Appeal No. 297 of 2023*** (*Tejraj S/o. Sugandchand Chopda .v/s. The State of Maharashtra and others, decided on 18.08.2023*). Learned Advocate submitted that the land which was subject matter of First Appeal No. 297 of 2023 and the lands of the appellant are similarly situated. The lands are dry crops land. Learned Advocate submitted that Co-ordinate Bench of this Court awarded the compensation @ of Rs.2,10,000/- (Rupees Two lacs Ten Thousand only) per hector in respect of the dry crop land.

6 Learned AGP submitted that the lands were acquired under the same award and for the same project.

7 It is seen that the lands are situated in close proximity. The Co-ordinate Bench of this Court in respect of the similarly situated land i.e. Gat No. 46/2 has awarded the compensation @ of Rs.2,10,000/- per hector. In my view, therefore, this appeal is covered by the decision rendered by the Co-ordinate Bench of this Court in First Appeal No. 297 of 2023. Accordingly, the appeal is partly allowed.

8 The appellant is entitled to get the compensation in respect of his land which is subject matter of this appeal @ of Rs.2,10,000/- per hector. The appellant is entitled to get the interest and other statutory benefits as awarded by the reference Court. The appellant shall not be entitled to get interest and other benefits for the delayed period i.e. 2696 days.

9 Decree be drawn up accordingly.

10 Respondent No. 3 is directed to deposit the amount as per this order within six months with the Registry of this Court.

11 The appellant/claimant are required to pay the deficit Court fee on the enhanced amount of compensation. If the deficit Court fee is not paid by the appellant/claimant, then the same shall be recovered/deducted from the enhanced compensation amount.

12 The appeal stands **disposed of**, accordingly.

(G. A. SANAP, J.)

Namrata