



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
FIRST APPEAL NO.438 OF 2024

Pravin s/o Manohar Khadse (Dead)
through LR's

1. Smt. Sushama wd/o Pravin Khadse,
Aged about 39 years, Occ. Household

2. Ku. Sakshi d/o Pravin Khadse,
Aged about 21 years, Occ. Student

3. Ku. Darshan d/o Pravin Khadse,
Aged about 19 years, Occ. Student

4. Devik s/o Pravin Khadse,
Aged about 16 years, Minor

5. Smt. Manda w/o Manohar Khadse,
(Dead) Through LR's

5a. Archana Sanjay Pawar,
Aged about 42 years,
Occ. Household, R/o- Wardha,
Tq. & Dist. Wardha

5b. Pragati Amit Thakre,
Aged about 40 years,
Occ. Household, R/o- Akola
Tq. & Dist. Akola

6. Manohar s/o Pandurang Khadse,
Aged -60 years, Occ. Agriculturist

All appellants Nos.1 to 4 and 6 R/o-Abhinav
Colony, Yavatmal Tq. and District Yavatmal

-APPELLANTS

// VERSUS //

1. The State of Maharashtra,
Through the Collector, Yavatmal

2 **Special Land Acquisition Officer,**
M.I. Work No. II, Yavatmal,
Dist. Yavatmal

3. **The Executive Engineer Bembla Project**
Division, Yavatmal, Tq. and Dist. Yavatmal

... RESPONDENTS

Mr. Ashish Nakshane, Advocate for the appellants.
Ms Prachi Joshi, AGP for respondent Nos. 1 and 2/State.
Mr M.A. Kadu, Advocate for respondent No.3.

CORAM : G. A. SANAP, J.

DATE : 30/04/2024

ORAL JUDGMENT :

1 Heard.

2 **ADMIT.** Taken up for final disposal forthwith,
with the consent of learned Advocates for the parties.

3 In this appeal, challenge is to the judgment and
award dated 16.08.2011 passed by the 3rd Joint Civil Judge
Senior Division, Yavatmal (for short 'the reference Court')
whereby the claim for enhancement of compensation filed by
the appellant/claimant was partly allowed.

4 The factual position in the present appeal is as under:-

Bembla River Project, Yavatmal			
Date of Notification under Section 4 of the Land Acquisition Act, 1894.			14.08.2003
Address of property	Details of property	LAO Award dated 09.06.2005	Ref. Court Award Dated 16.08.2003
Village Thalegaon, Tq. Babhulgaon, District Yavatmal	Gat No. 38/1 4 H. 86 R.	Rs.90,743/- per hectare for 4 H. 71 R. land and Rs.15,000/- per hectare for pot kharab land admeasuring 0.15. R	Rs.1,75,000/- per hector for 4 H.86 R. land

5 Learned Advocates for the parties submitted that this appeal is covered by the decision rendered by this Court in *First Appeal No. 834 of 2023 (Prakashchand Banichand Lodha .v/s. The Executive Engineer, Yavatmal and others)* decided on 13.10.2023. Learned Advocate submitted that the land of the appellants and the land in the above first appeal are similarly situated.

6 Learned Advocate Mr M. A. Kadu for respondent No.3- acquiring body submits that this appeal is covered by the decision in First Appeal No. 834 of 2023.

7 I have gone through the record and proceeding. It is seen that the land in this appeal and the land in the above appeal are situated at the same village. The land was acquired for the same project under the same notification and the same award. The market price of the dry crop land has been determined @ of Rs.2,10,000/- per hectore. It is seen that the land in this appeal was dry crop land. On going through the available evidence it is evident that the lands are similarly situated in all respects. In view of this, the appeal is partly allowed.

8 The appellants are entitled to get compensation @ Rs.2,10,000/- (Rs. Two Lakhs Ten Thousand Only) per hectare in respect of their land with interest and other statutory benefits awarded by the Reference Court. In terms of this order, the acquiring body shall deposit the amount within four months from today.

9 It is made clear that while calculating the aforesaid amount, interest and other statutory benefits for the period of delay of 3665 days caused in filing this appeal, shall not be calculated and granted.

10 The appellants/claimants are required to pay the deficit Court fee, if any, on the enhanced amount of compensation. If the deficit Court fee is not paid by the appellants/claimants, then the same shall be recovered/ deducted from the enhanced compensation amount.

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

(G. A. SANAP, J.)