

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

FIRST APPEAL NO. 270 OF 2024
(First Appeal Stamp No. 532 of 2024)

APPELLANT : Shamrao Motiram Meshram,
Aged about 65 years, Occu. Agriculturist,
R/o Barad, Tq. Babhulgaon, Dist. Yavatmal.

VERSUS

RESPONDENTS :

- 1] State of Maharashtra,
through the Collector, Yavatmal,
Tq. & Dist. Yavatmal.
- 2] The Special Land Acquisition Officer,
Benefitted Zone, Yavatmal.
- 3] Executive Engineer,
Bembla Project Division, Yavatmal,
Tq. & Dist. Yavatmal.

Mr. Paras L. Rathi, Advocate for the appellant
Mr. H. D. Dubey, A.G.P. for the respondent nos.1 and 2
Mr. M. A. Kadu, Advocate for respondent no.3

CORAM : G. A. SANAP, J.
DATED : FEBRUARY 28, 2024.

ORAL JUDGMENT

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

3. Learned Advocate for the appellant submits that this appeal is covered by the decision rendered by the co-ordinate Bench of this Court in First Appeal No.871/2012 (*Shri Manikrao s/o Sheshrao Baradkar vs. State of Maharashtra and ors.*) with First Appeal No.978 of 2012 (*V.I.D.C. through its Executive Engineer, Bembla Project, Yavatmal vs. Manikrao Sheshrao Baradkar and ors.*) decided on 14.08.2019.

4. The land of the appellant, bearing Gat No. 120 admeasuring 1 hectares and 33 ares, was acquired by the respondents for the Bembla Project. The land was situated at Village Barad, Taluka Babhulgaon, District Yavatmal. The notification under Section 4 of the Land Acquisition Act, 1894, was issued on July 24, 2003. The award was passed on June 27, 2005. The Land Acquisition Officer awarded the compensation @ Rs.82,125/- (Rupees Eighty Two Thousand One Hundred and Twenty Five Only) per hectare.

5. The reference filed by the appellant was allowed, and the compensation was enhanced to Rs.1,75,000/- (Rupees One Lacs Seventy Five Thousand Only) per hectare. The appellant, being aggrieved by the judgment and order passed by the Reference Court on November 10, 2009, has come before this Court in appeal.

6. It is undisputed that the land of the appellant is dry crop land. The co-ordinate Bench of this Court while deciding First Appeal No.871/2012 with First Appeal No.987/2012, has quantified the compensation for dry crop land @ of Rs.2,10,000/- (Rupees Two Lacs and Ten Thousand Only) per hectare.

7. It is pointed out that the land of the appellant and the land of First Appeal No.871/2012 with First Appeal No.978/2012 are situated in the same village and are similarly situated in all respects. On going through the record, I am satisfied that this appeal would be covered by the decision rendered by co-ordinate Bench of this Court in First Appeal No.871/2012 with First Appeal No.978/2012. Accordingly, the appellant is entitled to get compensation @ of Rs.2,10,000/- (Rupees Two Lacs Ten Thousand Only) per hectare of land bearing Gat No.120 admeasuring 1 hectares, 33 areas.

8. Therefore, the appeal is **allowed**.

9. The impugned judgment and decree passed by the learned Joint Civil Judge, Senior Division, Yavatmal, dated November 10, 2009, in L.A.C. No. 469/2005 is modified as follows:.

i) The appellant is entitled to get compensation at the rate of

Rs.2,10,000/- (Rs. Two Lakhs and Thousand Only) per hectare with interest and other benefits as determined by the Reference Court.

ii) The enhanced compensation be deposited within four months.

iii) The appellant/claimant is 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.

10. The appellant shall not be entitled to get interest and other benefits for the delayed period of 4367 days.

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

(G. A. SANAP, J.)

Diwale