



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

**FIRST APPEAL NO.390 OF 2024**

**Varsha Mukundrao Gawande,**  
Aged about- 55, Occ. Agriculturist,  
R/o- Kolhi, Tq. Babhulgaon,  
Dist. Yavatmal

**APPELLANT**

**// VERSUS //**

1. **The State of Maharashtra,**  
Through The Collector, Yavatmal
2. **Special Land Acquisition Officer,**  
Bembla Project, Yavatmal,
3. **Vidarbha Irrigation Development Corporation**  
Nagpur, through the Executive Engineer  
Bembla Project, Yavatmal,  
Tq. and Dist. Yavatmal

**... RESPONDENTS**

-----  
Mr. Ashish Nakshane, Advocate for the appellant  
Ms M. R. Kavimandan, 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 finally with the consent of learned  
  
Advocates for the parties.

2            In this appeal, challenge is to the judgment and

award dated 13.01.2016 passed by the 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.

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

| <b>Bembla River Project, Yavatmal</b>                                          |                            |                                                            |                                                                                                |
|--------------------------------------------------------------------------------|----------------------------|------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| <b>Date of Notification under Section 4 of the Land Acquisition Act, 1894.</b> |                            |                                                            | <b>05.06.2003</b>                                                                              |
| <b>Address of property</b>                                                     | <b>Details of property</b> | <b>LAO Award dated 22.09.2005</b>                          | <b>Ref. Court Award Dated 13.01.2016</b>                                                       |
| Village Kolhi<br>Tq. Babhulgaon,<br>District<br>Yavatmal                       | Gat No.7<br>1 H. 53 R.     | Rs.69,415/- per<br>hectare for land<br>Rs.85,744/-for well | Rs.2,71,000/- per<br>hectare for land<br>Rs.1,11,000/-for<br>well and Rs.4,500/-<br>for temple |

4 Learned Advocates for the parties submitted that this appeal is covered by the decision rendered by the Co-ordinate Bench of this Court in *First Appeal No. 862 of 2016 (Narendra Shankarrao Dagwar .v/s. The Executive Engineer, Yavatmal and others)* decided on 04.05.2023. Learned Advocates submitted that the land of the appellant and the land in the above first appeal are similarly situated.

5           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 seasonally irrigated land has been determined @ of Rs.4,02,000/- (Rs. Four Lacs Two Thousand only) per hector. It is seen that the land in this appeal was seasonally irrigated 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.

6           The appellant is entitled to get compensation @ Rs.4,02,000/- (Rs. Four Lacs Two Thousand only) per hectare in respect of his lands 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. The remaining judgment of the reference Court is

maintained.

7           It is made clear that while calculating the aforesaid amount, interest and other statutory benefits for the period of delay of 882 days caused in filing this appeal, shall not be calculated and granted.

8           The appellant/claimant is 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 appellant/claimant, then the same shall be recovered/ deducted from the enhanced compensation amount.

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

**(G. A. SANAP, J.)**