



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

FIRST APPEAL NO. 1523 OF 2019

Smt.Subhadrabai Madhavrao Jadhao
(Since Dead) through her L.R's

- 1) Bapurao S/o Madhavrao Jadhao
age : 56 years, Occ : Cultivator,
R/o. Mahur, Tah. Mahur, District – Nanded
- 2) Bhagwan S/o Madhavrao Jadhao
age : 54 years, Occ : Cultivator
- 3) Ananta S/o Madhavrao Jadhao
age : 49 years, Occ : Cultivator
Nos.2 & 3 are R/o. Kurali, Tah.Umarkhed
District – Yavatmal
- 4) Sau.Pushpabai w/o Ashokrao Gore
age : 52 years, Occ : Household
- 5) Jaywanta S/o Madhavrao Jadhao
age : 50 years, Occ : Cultivator
Nos.4 & 5 are R/o. Amboda,
Tah.Mahagaon, District, Yavatmal

.. Appellants

Versus

- 1) The State of Maharashtra,
through Collector, Yavatmal,
District – Yavatmal
- 2) The Executive Engineer,
Minor Irrigation Division, Pusad,
Tq. Pusad, District – Yavatmal
- 3) The Special Land Acquisition Officer,
Lower Pus Project, Pusad, Tah.Pusad,
District – Yavatmal

.. Respondents

Mr. S.U.Nemade, Advocate for appellants.

Mr. M.A.Kadu, AGP for respondent Nos. 1 & 3.

Mr.V.D.Akhade, Advocate h/f Mr.A.M.Kukday, Advocate for respondent No.2.

CORAM : **ABHAY J. MANTRI, J.**

DATED : **AUGUST 22, 2025**

ORAL JUDGMENT

(1) Heard. **Admit.** With the consent of the learned counsel for the parties, the appeal is taken up for final hearing forthwith.

(2) The appellants are dissatisfied with the judgment and award dated 27/08/2007 passed by the Learned Civil Judge, Senior Division, Pusa (hereinafter referred to as '***the Reference Court***') in L.A.C.No. 507/2002, has preferred this appeal for the grant of enhanced compensation.

(3) Learned counsel for the appellants has submitted that the issue involved in the present case is covered by the judgment and order passed by this Court in First Appeal No.1110/2008, and accordingly urged to grant an enhanced compensation based on the said decision and an amount be given as per the rate awarded by this Court in the said decision.

(4) On 08/08/2025, learned counsel for the appellants was directed to file a detailed comparative chart of the details of each aspect in the judgment on which he is relying, and the facts in the present case. Accordingly, he has filed pursis on 20/08/2025 and a copy of which was supplied to the other side. He has filed the comparative chart of both the matters, i.e. facts in the present matter and facts in First Appeal No.1110/2008 on record. Both appeals arise from the same land acquisition proceedings and under the same notification.

(5) Heard, learned counsel for appellants and respondents. Perused the impugned judgment, as well as the record and proceedings. Having considered the rival submissions of the parties, the following point arises for the determination:-

1. ***Whether any interference is required in the impugned judgment and award ?***

(6) It is pertinent to note that learned counsel for the acquiring body, i.e. respondent No.2, as well as learned Assistant Government Pleader for respondents No.1 and 3, have gone through the decision in First Appeal No.1110/2008, the facts of the present case, and the comparative chart filed along with the pursis. They do not dispute the fact above, as well as the comparative chart filed by learned counsel for the appellants. That being so, in my view, based on the rate granted by this court in First Appeal No.1110/2008, the applicant is entitled to get compensation @Rs.83,000/- per hectare along with interest thereon. As such, I found substance in the submissions of learned counsel for the appellants in that regard. Consequently, the present appeal is required to be allowed in terms of the judgment and order dated 05/07/2017 passed in First Appeal No.1110/2008. Accordingly, I answer the point in the affirmative

(7) As a result, the appeal is allowed. The judgment and award dated 27/08/2007, passed by the learned Reference Court in L.A.C.No. 507/2002 is hereby modified, holding that the appellants are entitled to get compensation @Rs.83,000/- per hectare instead of @Rs.47,000/- per hectare. Accordingly, the calculation is to be carried out. The rest of the judgment and award remain intact. The Award, be prepared accordingly.

(8) It is made clear that appellants are not entitled to any interest on the compensation amount, as well as statutory benefit for the delayed period, i.e. from the date of passing of the award till Registration of the appeal.

(9) Pending Civil Applications, if any, stand disposed of.

[ABHAY J. MANTRI, J.]