



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

FIRST APPEAL NO.848 OF 2018

Executive Engineer,
Nimna Wardha Prkalp,
Tq. & Distt. Wardha.

.. Appellant

..Versus..

1. Nathhuji Laxmanrao Gaulkar,
Aged 75 years, Occu : Farmer.
2. Vitthal Laxmanrao Gaulkar,
Aged Major Years, Occu : Farmer.

Both R/o. Aamgaon, Tq. Selu,
District-Wardha.

3. State of Maharashtra,
through Collector, Wardha.
4. Special Land Acquisition Officer,
Vidarbha Irrigation Development
Corporation, Wardha.
5. District Rehabilitation Officer,
Project Division Wardha,
Tah. & Distt. Wardha.

.. Respondents

.....
Shri N.M. Gaidhane, Advocate for Appellant.
Shri C.R. Najbile, Advocate for Respondent Nos.1 and 2.
Shri M.A. Kadu, AGP for Respondent Nos.3 to 5.
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CORAM : PRAVIN S. PATIL, J.
DATED : 07.10.2025.

JUDGMENT

1. The appellant-acquiring body being dissatisfied with the decision of the learned reference court in Land Acquisition Case No.195/2007 decided on 3.8.2015, preferred the present appeal before this court.

2. In the present case, the respondent nos.1 and 2 are the claimants whose land was acquired, vide Notification dated 7.4.2004 for construction of dam. As per the final award dated 1.10.2005, the respondent nos.1 and 2 has been paid the compensation of Rs.3,02,760/- for 3.48 HR land out of Gat No.145 of Mouza- Aamgaon, Tah. Selu, District-Wardha.

3. According to the respondent nos.1 and 2 their land being perennial irrigated land they were dissatisfied by the compensation paid by the learned Land Acquisition Officer. The respondent nos.1 and 2, therefore, preferred the reference under Section 18 of the Land Acquisition Act and seek enhancement of compensation for the land which was compulsorily acquired from them.

4. By the impugned judgment, the learned reference court, by considering the quality, fertility and potentiality of the

land as well as by relying upon the sale instance of the adjoining village of Amgaon (Exh.21) enhanced the compensation to the extent of Rs.9,24,341/- for agricultural land bearing Gat No.145, ad-measuring 3.48 HR along with all statutory benefits. The said compensation includes the teak wood trees, fruit bearing trees and ber trees etc.

5. The appellant-acquiring body, by way of present appeal, challenged the said judgment and order of the learned reference court on the ground that the learned court below failed to appreciate the proper market value and in absence of independent evidence available on record, awarded the exorbitant compensation to the respondent no.1. In addition to above, raised the issue of limitation by stating that the final award was on 1.10.2005, whereas the reference was filed on 9.8.2007, therefore, same was not within limitation. Hence, on all these counts, it is the submission of the appellant that the impugned order passed by the reference court is liable to be quashed and set aside.

6. The learned counsel for the respondent nos.1 and 2 vehemently opposed the appeal. They have taken me from the

findings recorded by the learned reference court to demonstrate the fact that the learned reference court has considered the entire controversy raised by the parties before him and after considering the same has granted the compensation of Rs.9,24,341/-. According to the respondents, there is no fault with the findings recorded by the learned reference court while reaching to this conclusion. The respondents also pointed out that the respondents are entitled for a separate compensation for the teak wood and fruit bearing trees as well as well. However, considering the fact the learned reference court has given the compensation as per the market value of the land, they have not preferred any cross-objection in the matter.

7. After hearing both the parties and the perusal of the record, the undisputed facts are that Land Acquisition Officer by its final award has awarded the compensation of Rs.3,02,760/-. The reference court has enhanced the compensation to Rs.9,24,341/-. The State Government has already framed the policy that if the compensation is awarded by the reference court below four times of the compensation awarded by the Land Acquisition Officer, then that appeal should not be

prosecuted by the acquiring body. This policy is adopted by the appellant also.

8. In view of the policy of the government and the amount of compensation awarded in the present matter by the reference court, I am of the opinion that the amount of compensation is near about the four times of the award of the Land Acquisition Officer.

9. Apart from the above reason, the perusal of the impugned judgment *prima facie* shows there is judicial application of mind while deciding the reference proceeding. All issues raised are properly dealt with by the learned reference court in the matter.

10. I find no reason to interfere in the matter. Hence, for the aforesaid reasons, the appeal being devoid of merits, the same stands **dismissed**. No costs.

(Pravin S. Patil, J.)