



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
FIRST APPEAL NO.426 OF 2024

1. Vidarbha Irrigation Development Corporation
through its Executive Engineer, Bembla
Project Division, Yavatmal, Tq.Dist. Yavatmal.
2. Executive Engineer, Bembla Project Division,
Yavatmal, Tq.Dist. Yavatmal.

...APPELLANTS
(on RA)

...V E R S U S...

- Sayrabano Chotesahab Sheikh (dead)
Through LRs
1. Sabir Chotesahab Sheikh
Aged about 55 years, Occ: Agriculturist,
 2. Pyaresahab Chotesahab Sheikh
Aged about 52 years, Occ: Agriculturist,
 3. Sadekh Chotesahab Sheikh
Aged about 45 years, Occ: Agriculturist,
 4. Firoz Chotesahab Sheikh
Aged about 42 years, Occ: Agriculturist,
 5. Afsar Chotesahab Sheikh
Aged about 40 years, Occ: Agriculturist,
- All R/o Pahur, Tah. Babulgaon,
Dist. Yavatmal.
6. State of Maharashtra,
through Collector, Yavatmal.
 7. Special Land Acquisition Officer,
Minor Irrigation Work No.2,
Yavatmal, Tah&Dist. Yavatmal.

...RESPONDENTS
(Ori. Claimant)

 Shri M.A. Kadu, Advocate for appellants.
 Shri Parijat Pande, Advocate for respondent nos.1 to 5.
 Ms Deepali Sapkal, AGP for respondent nos.6 and 7.

CORAM:- M.W. CHANDWANI, J.
DATED :- 10.09.2025

ORAL JUDGMENT:

1. Admit. Heard.

2. The appeal challenges the dismissal of reference filed by the appellant before the reference Court at Yavatmal, in LAC No.443/2015

3. Learned counsel for respondent nos.1 to 5 submitted that the first appeal arising out of the same award wherein, the amount of ₹900/- per square meter, which was granted by the learned Reference Court was partly allowed by this Court thereby reducing the compensation from ₹900/- per square meter to ₹750/- per square meter. The said order came to be challenged by the respondent therein before the Hon'ble Supreme Court of India in Civil Appeal No.5305/2025 which came to be allowed and the order of this Court in First Appeal No.189/2018 and Cross Objection No.119/2018 came to be set aside thereby restoring the order passed by the learned Reference Court.

4. Since, the Notification under Section 4 of the Land Acquisition Act was issued in the year 2000, reliance on the sale instance dated 25.03.1994 by the counsel for the appellant is misplaced. The same has also been discarded by the Supreme Court by observing that 10 to 12 per cent ought to have been added to the market value after 1994. Since, the present appeal arises out of the same award in which the Supreme Court has restored the award of the Reference Court dismissing the reference

filed by the appellant against granting of the compensation @ ₹900 per square meter, the present appeal is also covered by the decision of the Supreme Court. Hence, the appeal stands dismissed.

JUDGE

Wagh