



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

FIRST APPEAL NO.557 OF 2010

Dinkar Walhu Rathod,
Aged about 60 years,
Occupation-Agriculturist,
R/o. Shivni Armal,
Tah. Deolgaon Raja,
District-Buldhana.

.. Appellant

..Versus..

1. The State of Maharashtra,
Through Collector Office,
Buldhana.

2. Executive Engineer,
Minor Irrigation Division,
Chikhli, Tq. Chikhli,
District-Buldhana.

.. Respondents

.....
Shri S.V. Deshmukh, Advocate for Appellant.
Shri H.D. Futane, AGP for Respondent No.1/State.
Shri M.A. Kadu, Advocate for Respondent No.2.
.....

CORAM : PRAVIN S. PATIL, J.
DATED : 06.10.2025.

JUDGMENT

1. The appellant questioned in the present appeal the judgment dated 27.02.2007 passed by the learned Civil Judge, Senior Division, Buldhana.

2. It is the case of the appellant that he is the owner of field Gut No.512, ad-measuring 0.70 R land situated at village Shivni Armal, Taluq Deulgaon Raja, District-Buldhana. The State Government had acquired the said land for the purpose of construction of the Shivni Armal Minor Irrigation Tank, vide Notification of year 1993.

3. The learned Land Acquisition Officer has awarded the compensation at the rate of ₹ 24,000/- per hectare to the appellant. The appellant being dissatisfied with the compensation awarded by the Land Acquisition Officer preferred the reference proceeding before the Civil Judge, Senior Division, Buldhana. The learned reference court by its judgment and order dated 27.02.2007 awarded the compensation at the rate of ₹ 28,000/- per hectare to the appellant.

4. The appellant approached before this court stating that the amount awarded by the learned reference court is without considering the quality and potentiality of the land as well as other factors which are necessary to determine the correct market value of the land. Hence, he is entitled for enhancement in compensation amount.

5. The appellant during the course of hearing pointed out that in First Appeal No.860/2008, this court has considered the identical appeal arising out of the same village and whereby this court has awarded the compensation at the rate of ₹ 60,000/- per hectare to the dry crop land and ₹ 1,20,000/- per hectare for the irrigated land.

6. The learned counsel for the respondents has strongly opposed the appeal. It is his contention that the learned Land Acquisition Officer, considering the evidence made available before him, has dealt with the issue and awarded just and reasonable compensation in the matter. Appellant failed to point out any discrepancy in the order passed by the learned

Land Acquisition Officer. Hence, he prayed to dismiss the present appeal.

7. After hearing both the learned counsel, I have gone through the judgment delivered by this court in ***First Appeal No.860/2008 (Dagduba Gangaram Armal .vs. The State of Maharashtra and one) decided on 30.4.2024*** whereby this court determined the compensation at the rate of ₹ 60,000/- per hectare for dry crop land and ₹ 1,20,000/- per hectare for irrigated land. This court has specifically observed in Para 7 of the judgment as under :

7. Learned Advocate for the appellants in all three appeals submitted that these appeals are covered by the decision rendered by the Co-ordinate Bench of this Court in First Appeal No.858 of 2008 (Chandrakala Dagduba Armal .v/s. The State of Maharashtra and other), along with First Appeal No. 854 of 2008 and First Appeal No.861 of 2008 (Bhaskar Walhu Rathod .v/s. The State of Maharashtra and another) dated 25.05.2017 and another judgment of the Co-ordinate Bench of this Court in First Appeal No.124 of 2009 (Sangita Govindrao Dukare .v/s. State of Maharashtra) dated 14.08.2017. Learned Advocate pointed out that all the above stated appeals were allowed and after setting aside the judgment and award passed by the reference Court, the references were remanded back to the reference Court for decision, in accordance with law. It is pointed out that the reference Court after remand has decided those references by a separate judgment and award in each case. It is

pointed out that on re-appreciation of the evidence adduced by the parties before the reference Court, the reference Court has determined the market price of the dry crop land @ of ₹ 60,000/- per hectare and ₹ 1,20,000/- per hectare for irrigated land. Learned Advocate submitted that, therefore, all these appeals are covered by the decision rendered by the reference Court after remand. As far as the respondents are concerned, there is no dispute about this factual position. The only dispute that has been made is that in all these three appeals the lands are not irrigated. It is pointed out that at the most the land in First Appeal No.1353 of 2013 could be considered as irrigated.”

8. Perusal of Judgement clearly demonstrates the fact that the land acquired is of same village and arising out of same project i.e. Minor Irrigation Tank, village Shivni Armal under same Notification dated 26.12.1991. Therefore, the judgment delivered by this court is squarely applicable in the matter. Hence, there is no reason for me to take a different view in the matter. Accordingly, the present appeal deserves to be allowed. Hence, I pass the following order :

O R D E R

- (1) The Appeal is allowed.
- (2) Respondent No.2-Acquiring Body shall pay compensation at the rate of ₹ 60,000/- per hectare in respect of acquired land along with all statutory benefits to appellant by deducting the amount already paid.

(3) The respondents are directed to deposit the enhanced amount of compensation either before this court or before the reference court with due intimation to the appellant within a period of four months.

(4) The appellant is permitted to withdraw the said amount after depositing of the same by the respondents.

(5) There shall be no order as to costs.

(Pravin S. Patil, J.)