



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

FIRST APPEAL NO.692 OF 2016

Vidarbha Irrigation Development
Corporation Through Executive Engineer,
Bembla Project Division, Yavatmal. .. Appellant

.. Versus ..

- 1) Kumudini Panjabrao Tatad,
Aged Major, Occu. Agriculturist
R/o. Nagari, Tq. Babhulgaon,
Dist. Yavatmal.
- 2) The State of Maharashtra,
Through District Collector,
Yavatmal.
- 3) The Special Land Acquisition Officer,
Bembla Project, Yavatmal.
Tq. & Dist. Yavatmal. .. Respondents

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Shri Nikhil Waghmare, Advocate h/f Shri P.B. Patil, Advocate
for Appellant.

Shri M.V. Bute, Advocate for Respondent No.1.

Mrs. H.D. Dhande, AGP for Respondent No.2 and 3.

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CORAM : PRAVIN S. PATIL, J.

DATED : 26.11.2025.

JUDGMENT

1. In the present appeal, the Appellant-VIDC assailed the judgment and order passed by the Reference Court dated 1.11.2012 in Land Acquisition Case No.828/2006, whereby the learned Reference Court has enhanced the compensation amount from Rs.56,067/- per hectare to Rs.1,40,000/- per hectare of the acquired land.

2. It is undisputed fact in the present matter that in pursuance of the Notification under Section 4 of the Land Acquisition Act, dated 14.1.1999, the land bearing Gat No.10, ad-measuring 03.03 HR belonging to the respondent no.1 was acquired for submergence of Bembla River Project. In the said land acquisition proceeding, the compensation was awarded Rs.56,067/- per hectare for acquired land.

3. The respondent no.1 being dissatisfied with the compensation awarded by the Land Acquisition Officer, preferred the Reference before the learned Civil Judge, Senior Division, Yavatmal. According to her, as per the policy framed by the State Government, particularly in respect of valuation of

the trees and sale instances of the adjoining area, the respondent no.1-claimant is entitled for enhancement of compensation.

4. The respondent no.1, in pursuance of her contention, has entered into the witness box and reiterated the entire submission which was made by him in her reference application. The respondent further relied upon the Government Resolution, dated 27.12.1990 whereby the State Government has considered the average yield for the purpose of valuation of fruit bearing trees. Hence, on the basis of this evidence and Government Resolution, the respondent claimed enhancement in the compensation.

5. Admittedly, no one entered into the witness box on behalf of the acquiring body as well as the State Government. They have only cross-examined the respondent no.1 before the Reference Court and no other evidence was brought on record to substantiate their submission before the Reference Court.

6. In the light of this factual position, the Reference Court, after considering the evidence of the respondent-claimant and

by relying upon the Government Resolution, dated 27.12.1990 has determined the market value of the land as well as fruit bearing trees and thereby enhanced the compensation at the rate of Rs.1,40,000/- per hectare.

7. In the present appeal, the challenge to the judgment and order of the Reference Court is on the ground that the respondent-claimant failed to establish his case beyond doubt that the value of the land which is determined by the court is legal and proper. According to them, the valuation done by the Land Acquisition Officer, while granting award, is the correct valuation and thereby the respondent is not entitled for enhancement of claim towards the acquisition of the land.

8. In respect of the enhancement towards the fruit bearing trees, it is the submission of the appellant that no positive evidence was brought on record by the respondents to prove the valuation of the trees. According to them, it was expected from the respondent-claimant to at least examine the valuer of the land and establish on the record value of each fruit bearing trees, but as the respondent-claimant failed to bring this evidence on record, the learned Reference Court committed an

error by relying upon the Government Resolution dated 27.12.1990. Hence, on this count, the interference of this court is sought in the matter.

9. It is pertinent to note that the State Government long back framed the policy that if the enhancement has been granted by the Reference Court within four times of the award passed by the Land Acquisition Officer, then in that cases, the State Government should not proceed and appeals in that cases should be withdrawn. The judicial notice can be taken that before this court many of the matters has been withdrawn by relying upon the same policy.

10. In the present case, admittedly the Land Acquisition Officer has awarded the compensation at the rate of Rs.56,067/- per hectare for the acquired land and the amount enhanced by the Reference Court is Rs.1,40,000/- per hectare, therefore, it is clear that the enhancement of the compensation towards the land comes under the four times of compensation awarded by the Land Acquisition Officer. Hence, in my view, considering this policy of the State Government which is applicable in the present case also and as the appellant-

corporation has long back adopted the said policy. In view of this, I do not find any merit towards challenge to the enhancement of acquired agricultural land.

11. In respect of fruit bearing trees, the submission of the appellant is that in absence of any evidence before the Reference Court, it was not justified to grant enhancement towards fruit bearing trees. Hence, this issue is strongly contested in the matter.

12. In the present matter, it is seen from the record that the respondent no.1 has examined one Shri Nandkumar s/o Ganpatrao Patil as a valuer of the land as an agricultural expert. The said witness has categorically pointed out in his affidavit as to how he has done scientific valuation of the land. In his deposition he has categorically stated that the method of valuation was followed by him by relying upon the Government Circular dated 27.12.1990. As such, he has considered the entire procedure laid down therein.

This witness was cross-examined by the present appellant, but nothing was elicited from his cross-examination. On the contrary, it is seen from the entire deposition that this

witness was firmed on his statement that the fruit bearing trees were properly valued by him in the matter.

13. Following all the evidence, the findings recorded by the learned Reference Court particularly in para 18 are important. The learned Reference Court has specifically relied upon the Government Circular dated 27.12.1990. As per the policy framed by the Government, the learned Reference Court has taken into consideration the yield for the purpose of valuation of fruit bearing trees, thereby it was held that sweet-lime trees aged about 5 to 8 years is having yield of 20 to 25 Kgs and on the basis of this determined the market value of the fruit bearing trees in the matter.

14. In the light of the observations made by the Reference Court, it is clear that the learned Reference Court while dealing with the issue to determine correct market value of land has considered the evidence of agricultural expert as well as policy framed by the State Government and thereby applying judicial mind reached to the conclusion that fruit bearing trees was having the market value at the rate of Rs.1,470/- each.

15. In the light of observations made by the learned Reference Court, I do not find prima facie error while considering the entire factual as well as legal position by the learned Reference Court. Therefore, considering the findings which are self speaking in the matter, I do not want to interfere in the well reasoned order passed by the learned Reference Court.

16. In the circumstances, I do not find any merit in the present appeal, the appeal stands dismissed.

17. The respondent no.1/claimant is permitted to withdraw the balance amount, if any, which is lying with the Registry of this court, subject to satisfaction of the Registrar (Judicial) of this Court.

(Pravin S. Patil, J.)