



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

FIRST APPEAL NO.745/2024

Vidarbha Irrigation Development
Corporation, through Executive
Engineer, Bembla Canal Project,
Yavatmal, District Yavatmal.

...Appellant
(Ori. Respondent No.3)

- Versus -

1. Smt. Anusaya Sudhakar Jaysingkar,
aged 51 Yrs., Occ. Agriculturist,
R/o Ralegaon, Tahsil Ralegaon,
Distt. Yavatmal. (Ori. Applicant)
 2. State of Maharashtra,
through Collector, Yavatmal. (Ori. Respondent No.1)
 3. Special Land Acquisition Officer
Bembla Project, Yavatmal,
Taluka and Distt. Yavatmal. (Ori. Respondent No.2)
- ... Respondents

Mr. C.J. Dhumne, Advocate for the appellant.
Mr. P.M. Pande, Advocate for respondent No.1.
Mr. M.A. Kadu, A.G.P. for respondent Nos.2 and 3.

CORAM: VRUSHALI V. JOSHI, JJ.

DATED : 26.08.2025.

JUDGMENT

The appellant is challenging the judgment and award dated
12.3.2019 passed by the Joint Civil Judge, Senior Division,

Yavatmal in L.A.C. No.47/2013 wherein compensation granted by the respondent-Special Land Acquisition Officer to the respondent No.1-claimant, according to the appellant, has been enhanced without any basis.

2. The appellant is the Acquiring Body and respondent No.1 is the claimant.

The claimant had preferred the reference before the Reference Court.

The land in question falls under submergence of the Bembla Project, Construction of Canal of Bembla Project. After completion of proceedings under Section 5(c) and Section 9(1)(2) (3) and considering the material on record, the Special Land Acquisition Officer passed the award on 18.12.2010 in proceeding No.40/47/2005-06 of village Borkhedi and awarded compensation against the acquisition of land of respondent No.1. The respondent No.1-claimant has been paid total compensation of Rs.33,824/- for the acquired land admeasuring 0.28 H.R. The

respondent No.1 was additionally paid solatium at the rate of 30% on the value of land and 12% component.

3. The reference was filed under Section 18 of the Land Acquisition Act thereby claiming enhanced compensation of Rs.13,64,986/- i.e. Rs.65 per Square Feet.

4. The Reference Court has passed the judgment on 12.3.2019 and granted enhancement in compensation amount. It is enhanced to Rs.8,00,000/- per hector which enhanced the appellant's total liability to Rs.1,90,176/- excluding interest without any basis thereof.

5. The learned Advocate for the appellant has urged that while considering the compensation, the trial Court has failed to appreciate the instances cited and the evidence in terms of assessment and the valuation thereof as to whether the land in question has any similarity or comparison to the cited instances

mainly in terms of nature, location, roads, potentiality and productivity, proximity to Section 4(1) declaration in view of different villages etc. and thus, the impugned judgment is liable to be quashed and set aside.

6. The learned Advocate for the respondent No.1-claimant has stated that this appeal is covered by the judgment passed by this Court in First Appeal No.253/2020 (Executive Engineer, Nimna Painganga Project Division (Bembla Project), Yavatmal V/s. Sushant Narayanrao Dhumne) delivered on 8.9.2021.

7. It appears that the land which is acquired is situated at Mouja Borkhedi and is on the boundary of Borkhedi and Dapori Road.

8. On perusal of the impugned judgment, it appears that the trial Court has relied on the judgment in L.A.C. No.58/2013

wherein rate of Rs.12,00,000/- per hector is granted. Said land was seasonally irrigated land and compensation at the rate of Rs.12,00,000/- was awarded according to the nature of the land. Relying on said judgment, the reference Court in L.A.C. No.562/2012 awarded compensation for the acquired land at Borkhedi at the rate of Rs.8,00,000/- per hector holding the land to be dry-crop land. Acquired land in question was also dry-crop land. Relying on the judgment of L.A.C. No.562/2012, on the principle of parity as the lands involved in both the cases were acquired from the same village, for same purpose under the same notification and as the Gat Number which was involved in L.A.C. No.562/2012 is 17/1 of Borkhedi and in case of L.A.C. No.47/2013 the Gat Number is 18/2, it can be inferred that they are situated close to each other and, therefore, the trial Court has granted rate of Rs.8,00,000/- per hector on the ground of parity.

9. This Court in First Appeal No.253/2020 which is out of same village granted rate of Rs.8,00,000/- per hector

considering the location of the acquired land and it's potentiality, which appears to be quite justified. As the matter is covered by the judgment of this Court, no case for interference is made out. The appeal, as such, fails and same stands dismissed.

(MRS.VRUSHALI V. JOSHI, J.)