



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

FIRST APPEAL NO.1211 OF 2012

Vidarbha Irrigation Development
Corporation, Through its Executive
Engineer, Minor Irrigation Division
No.2, Chikhali, Dist. Buldhana. ..

Appellant

..Versus..

1. Damodar s/o Sitaram Shejol
Age : Major, Occup. Agriculturist.
R/o. Sawangi Gawali,
Tq. Chikhli, Distt. Buldhana.
2. The State of Maharashtra,
Through the Collector,
Buldhana.
3. The Special Land Acquisition Officer,
Buldhana.
4. Executive Engineer, Pentakli Project,
Chikhali, Dist. Buldhana. .. Respondents

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Shri Raunak Kurani, Advocate h/f Shri A.B. Patil, Advocate
for Appellant.

Shri S.S. Dalvi, Advocate h/f Shri N.B. Kalwaghe, Advocate
for Respondent No.1.

Shri M.A. Kadu, AGP for Respondent Nos.2 to 4.

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CORAM : PRAVIN S. PATIL, J.
DATED : 18.12.2025.

JUDGMENT

1. By way of present appeal, the challenge is to the judgment and award dated 6.3.2008 passed by the Joint Civil Judge, Senior Division, Buldhana in Land Acquisition Case No.342/2000.

2. The perusal of the record shows that in view of the Notification under Section 4 of the Land Acquisition Act published on 4.11.1995, the appellant had acquired the agricultural land ad-measuring 1.62 HR out of Gat No.1/3 and 2.43 HR out of Gat No.3/1 of mouza Sawangi Gawli, Tq. Chikhli, District-Buldhana. In the said acquisition proceeding, the Land Acquisition Officer has awarded the compensation of Rs.64,289/- per hectare for Gat No.1/3 ad-measuring 1.62 HR and Rs.62,928/- per hectare for Gat No.3/1, ad-measuring 2.43 HR.

3. The respondent no.1 being dissatisfied with the compensation awarded by the Land Acquisition Officer, preferred the reference under Section 18 of the Land Acquisition Act and thereby claimed the enhancement of

compensation at the rate of Rs.3,75,000/- per hectare and separate compensation for mental agony, trees, well, pipeline and cowshed etc.

4. In support of the claim made before the Reference Court, the respondent has examined one Gajanan Rokde, who has stated that as per 7/12 extract his ownership over the land is clear and he has stated that he was taking various yield from the agricultural land and thereby attempted to point out the quality and potentiality of his land. The respondent also examined one Raju Jadhav, who was one of the witness of sale deed. In respect of availability of pipeline and construction of well, the respondent has examined one Shri Ramchandra Baraskar. In respect of valuation of trees, he has relied upon the evidence of one Bhimrao Patil, who has done the valuation of the trees and submitted his report. As such, from this evidence which was brought on record, it is clear that the respondent has discharged his initial burden to establish on record that the land is having good quality and fertility and about the availability of well, pipeline, trees etc.

5. It is seen from the record that on behalf of the appellant no one entered into the witness box to discharge their burden. Only the oral submission was made before the Reference Court that the submission of the respondent cannot be accepted in the matter. Only during oral argument attempt seems to have been made by the appellant to point out how the evidence recorded before the Reference Court was not trustworthy. Except this, nothing is placed on record to substantiate their submission. In the background of above said factual position, the learned Reference Court has decided the reference by the impugned judgment and order dated 6.3.2008 and enhanced the compensation of Rs.2,00,405/- for acquired land of the present respondent along with statutory benefits.

6. The said judgment is under challenge before this court by way of present appeal, mainly on the ground that the learned Reference Court committed an error in enhancing the compensation without there being any sale instances from the same village. The sale instances of adjoining villages were not reliable. According to the appellant, the valuation is done by the Reference Court on surmises and conjectures, hence they

have sought indulgence of this court in the matter.

7. In the present matter, as stated above, the present respondent has recorded the evidence of the witnesses. He has also recorded the evidence of one Raju Jadhav, who was the witness of one of the sale deed. In respect of quality and potentiality of land, he has relied upon statement of expert to whom he has examined before the Reference Court. Therefore, in my opinion, the ground raised by the appellant that there was no evidence available before the Reference Court is not sustainable in the eyes of law. Para 13 of the judgment of the Reference Court clearly established the fact that the learned Reference Court has considered the quality and potentiality of the land and by taking into consideration each factor which was raised before him on the basis of various judgments of this court and by considering entire oral and documentary evidence placed on record reached to the conclusion that the respondent is entitled for the enhancement.

8. In the light of the observations and findings recorded in the impugned judgment and order, I do not find any illegality or perversity in the impugned judgment. So also no illegality and

perversity is pointed out in the judgment of Reference Court. Hence, for the reasons stated above, I find no merit in the appeal and, therefore, the appeal stands **dismissed**.

9. It is informed that in terms of stay granted by this court, the appellant has deposited the decretal amount before the Reference Court. In view of the judgment of this court, the Respondent No.1 is entitled to withdraw the amount from the Reference Court along with interest accrued thereon.

(Pravin S. Patil, J.)