



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO.454 OF 2013

Maharashtra Industrial Development
Corporation having its head office at Bombay
and branch office at Amravati.

... APPELLANT

VERSUS

- 1) Abdul Jafir Amajadali, aged about 38 years,
occ. Agriculturist, and laborer.
- 2) Abdul Asif Amajadali.
- 3) Bismillabi Amajadali. All r/o Sawardi, Tq. and
Dist. Amravati.
- 4) Sub Divisional Officer and Land Acquisition
Officer, Yavatmal.
- 5) State of Maharashtra, through its Collector,
Amravati, District Amravati.

... RESPONDENTS

Shri M.M. Agnihotri, Advocate for the appellant.
Shri M.A. Kadu, Assistant Government Pleader for the State.
Respondent nos. 1 to 3 served.

CORAM : PRAVIN S. PATIL, J.

DATE : 28.11.2025.

ORAL JUDGMENT :

1. Despite service of notice none appeared on behalf of the respondent nos. 1 to 3.
2. Heard the learned Counsel appearing for the respective parties.
3. By way of present appeal challenge is to the judgment and order passed by the Civil Judge Senior Division, Amravati in LAC No.372/1999 on 06.12.2008.
4. In the present appeal, the respondent nos.1 to 3, who are the landowners of land ad-measuring 4H 91 R of Gat No. 18/1, their land has been acquired by the Appellant Corporation for the development of industrial areas and in the said land acquisition proceeding, the Land Acquisition Officer has awarded the compensation at the rate of Rs.53,000/- per hectare to the landowners.
5. The landowners being dissatisfied with the compensation awarded by the LAO, preferred the Reference before the Civil Judge, Senior Division, Amravati. In their application, they have pointed out that the learned LAO failed to consider the relevant sale instances as well as the decisions in other LAC and thereby awarded less compensation to them. Hence, they seek enhancement of the compensation for the acquired land at the rate of Rs. 3 lakhs per hectare along with statutory benefits.

6. Learned Reference Court has considered the entire evidence produced on record by the land owners. The Reference Court by impugned judgment, after considering the entire evidence which was placed on the record, has determined the market value of the land at the rate of Rs.1,20,000/- per hectare and accordingly, for the entire acquired land awarded the compensation of Rs.1,32,332/-.

7. The appellant Corporation challenged the said judgment and order before this Court on the ground that the learned Reference Court failed to appreciate the fact that the sale instances which the learned Reference Court has relied upon, are from the distant village and same are not applicable in the matter. It is their further contention that there is no proper deduction towards the development charges. Hence, it is their submission that the Reference Court has awarded the enhancement without considering the correct legal and factual position in the matter.

8. The Counsel for the appellant Corporation has relied upon the judgment delivered by this Court in First Appeal no.3/2011 along with other First Appeal decided on 31.01.2019 to state that this Court in identical circumstances has determined the market value of land at the rate of Rs.1,05,000/- per hector. Hence present appeal can be disposed of by awarding same rate to the acquired land. The perusal of judgment of this Court, it is clear that after considering the location, potentially and other factors which are raised in the present appeal of village Narayanpur, has

determined the market value of the land at the rate of Rs.1,05,000/- per hectare.

9. The appellant further pointed out that this Court has also decided the First Appeal no.728/2010, wherein by relying upon the judgment in First Appeal No. 3/2011 has taken the same view and determined the market value of the land at the rate of Rs.1,05,000/- per hectare.

10. In the present case, despite service of notice, none appeared on behalf of the respondent nos. 1 to 3. Considering the fact that the argument advanced by the appellant is totally based upon the view taken by this Court. According to me, absence of the Counsel for the respondent nos. 1 to 3 would not make much difference in the matter, and therefore, in the absence of the respondents' Counsel, I proceeded to decide the present appeal.

11. In the present case after going through the judgment and order passed by the learned Reference Court, it is clear that the learned Reference Court relying upon the sale instances, which relied upon by the respondent claimant, has determined the market value. This Court while deciding the First Appeal No.3/2011 has determined the correct market value by considering the judgment of the Reference Court and particularly land of the village Narayanpur. Perusal of the judgment shows in all other matters arising out of same land acquisition proceeding this Court has determined same market value. Therefore, there is no reason for me to take any other view in

the matter.

12. In the present case, the land in question is also of the village Narayanpur. Therefore, the reasons recorded in the order of this Court, according to me are squarely applicable. In the circumstances, I am of the opinion that, the controversy involved in the present appeal is squarely covered by the judgment of this Court in First Appeal No.3/2011. Hence, I proceed to pass the following order :

- (a) The First appeal is allowed.
- (b) The impugned judgment and order passed by the Civil Judge, Senior Division, Amravati in Land Acquisition Case No.372/1999 is modified to the extent of respondent nos. 1 to 3 owner will be entitled for the compensation at the rate of Rs.1,05,000/- per hector along with all statutory benefits. Rest of the judgment is confirmed.
- (c) The appellant is directed to deposit the entire amount as per the market value determined by this Court within a period of six months from today.
- (d) The respondent/claimant are permitted to withdraw the amount after deposit of the same, subject to satisfaction of the Registrar (judicial).

13. The First Appeal stands disposed of accordingly.

(PRAVIN S. PATIL, J.)

Trupti