



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

FIRST APPEAL NOS.61/2009, 444/2008 AND 1124/2008

FIRST APPEAL NO. 61/2009

Tulsabai w/o Vasantrao Barde, (deceased)

1A. Snehanta Devanand Jirafe (Daughter) aged – 60 years, Occupation – Housewife, r/o Datta Swarup Plaza, Wing-1, M-1, Jhade layout, Sindhi Colony, Ram Nagar, Chandrapur 442101

1B. Jyoti Sanjay Joge (Daughter), aged 57, r/o 509-A, Dasara Road, Near Hanuman Mandir, Bhutiya Darwaza, Mahal, Nagpur.

1C. Minakshi Sunil Darje (Daughter), Age 54 R/o Plot No. 87, Bholeshwar Nagar, Ambad Road, Jalna – 431203

1D. Gajendra Vasantrao Barde (Son), Age 50, Occ. Private, r/o Plot No. 45, Shri Uri Galli, Khare Workshop Gokulpeth, Nagpur 440010

1E. Kumari Sandhya d/o Vasantrao Barde, Age 45 r/o Plot No.45, Shri Uri Galli, Khare Workshop, Gokulpeth, Nagpur – 10.

(Amendment as per Court's order dated 05.12.2022)

... APPELLANT

VERSUS

1. The State of Maharashtra, through Special Land Acquisition Officer, Wardha.

2. Maharashtra Industrial Development Corporation, through its Area Manager,

Wardha, Tah and District Wardha.

3. Saraswatibai W/o Haribhau Chatare,
(DECEASED)

3A. Rajeshwar Haribhau Chatare, Aged about
65 years, Occ. Retired, R/o. Patkar Residency,
202, Killa Bandar Road, Near Tahsil Office,
Wasai, and District Palghar-402201.

3B. Sanjay Haribhau Chatare, Aged about 54
years, Occ. Service, R/o. Konark River City
6/204, Kopralli, New Panvel, Mumbai.

3C. Rajani Prabhakar Mudholkar, Aged about
49 years, Occ. Household, R/o. Bhawsar
Square, Gutkakula, Chandrapur.

3D. Rekha Arun Jogi, Aged about 45 years,
Occ. Household, R/O. Bhawsar Square,
Gutkakula, Chandrapur.

(Amendment as per Court's order dated
05.12.2022.)

4. Indubai W/o Zamasao Fiske, aged about 68
years, occupation: household, resident Of
Deoli, District Wardha (Deleted as per Court's
order dated 26.09.2023.)

5. Sindhu W/o Rameshrao Kshirsagar, Aged
about 71 years, occupation: household resident
of Shivaji Nagar, B/12 Anand Sujitrao Road,
Karamsad, District Kheda, (Gujrat).

... RESPONDENTS

WITH

FIRST APPEAL NO. 444/2008

1A. Madanlal S/o Kisanlal Chopade

Aged about 75 years, Occ. Cultivator, Resident
of Deoli, Tahsil Deoli, District- Wardha.

VERSUS

1. State of Maharashtra, through Special Land
Acquisition Officer, Wardha, District Wardha.
2. Maharashtra Industrial Development
Corporation Through its Area Manager,
Wardha, District-Wardha.

WITH

FIRST APPEAL NO. 1124 OF 2008

1. Sau. Saraswati w/o. Haribhau Chatare, (dead)
aged about 78 years, Occupation: Household,
Resident of Nawenagar Mahad, District-
Raigad, presently at C/o. Rajeshwar H.
Chatare, opposite S.B.I. Mahad, M.G. road,
Nawenagar.
- 1-A Rajeshwar Haribhau Chatare, Aged about 65
years, Occ. Retired, R/o Patkar Residency, 202,
Killa Bandar Road, Near Tahsil Office, Wasai,
District- Palghar-402201.
- 1-B Sanjay Haribhau Chatare, Aged about 54
years, Occ. Service R/o Konark River City,
6/204, Kopralli, New Panvel, Mumbai.
- 1-C Rajani Prabhakar Mudholkar, Aged about 49
years, Occ. Household, R/o Bhawsar Square,
Gutkakula, Chandrapur, Distt. Chandrapur.

1-D Rekha Arun Jogi, Aged about 45 years, Occ.
Household, R/o Bhawsar Square, Gutkakula,
Chandrapur, Distt. Chandrapur.

(Amendment as per Courts order dated
02.07.2019)

2. Indubai w/o Zamasao Fiske, aged about 68
years, Occ. Household, r/o Deoli, Tq. Deoli,
District Wardha. (deleted) (amendment as per
Court's order dated 08.06.2023.)
3. Sau. Sindhu w/o Rameshrao Kshirsagar, aged
about 71 years, occ. Household, r/o Shivaji
Nagar, b/12, Anand Sujitrao Road, Karamsad,
district Kheda (Gujrat).

VERSUS

1. The State of Maharashtra, through Special
Land Acquisition Officer, District Wardha.
2. Maharashtra Industrial Development
Corporation, Through its Area Manager,
Wardha, District- Wardha.
3. Sau. Tulsabai w/o Vasantrao Barade (Dead),
aged about 73 years, Occupation- Household,
resident of Gokulpeth, Nagpur, Tahsil and
District- Nagpur. Through LR's
- 3A. Snehanta Devanand Jirafe, (Daughters) Aged
about 60 years, Occu. Housewife, R/o Datta
Swarup Plaza, Wing No.1, M-1, Jhade Layout,
Sindhi Colony, Ram Nagar, Chandrapur, Tah.
and District- Chandrapur-442401.
- 3B. Jyoti Sanjay Joge, (Daughter) Aged about 57
years, R/o 509-A, Dasava Road, Near
Hanuman Mandir, Bhutia Darwaja, Mahal,

Nagpur.

3C. Minakshi Sunil Darje, (Daughter) Aged about 54 years, R/o Plot No.87, Bhaleshwar Nagar, Ambad Road, Jalna, District- Jalna-431203

3D. Gajendra Vasantrao Barde, (son) Aged about 50 years, Occu. Private, R/o Plot No.45, Shri Uri Galli, Khare Workshop, Gokulpeth, Nagpur-440010.

3E. Ku. Sandhay d/o Vasantrao Barde, Aged about 45 years, R/o Plot No.45, Shri Uri Galli, Khare Workshop, Gokulpeth, Nagpur-440010.

Amendment as per Hon'ble Court's order dated 08.17.2024.

First Appeal No.61/2009

Shri P.A. Abhyankar, Advocate for the appellant.

Shri M. M. Agnihotri, Advocate for respondent no.2.

Shri Anup S. Dhore, Advocate for respondent no.3(A) to 3(D).

Shri S.C. Joshi, AGP for respondent no.1/State

First Appeal No.444/2008,

Shri Anup Dhore, Advocate for the appellant

Shri S.C. Joshi, AGP for respondent no.1,

Shri M.M. Agnihotri, Advocate for respondent no.2.

First Appeal No.1124/2008

Shri Anup S Dhore, Advocate for the appellant.

Shri S.C. Joshi,AGP for respondent no.-1,

Shri M.M.Agnihotri, Advocate for respondent no.2.

Shri P.A. Abhyankar, Advocate for respondent no.3.

CORAM : PRAVIN S. PATIL, J.

CLOSED ON : 24.09.2025.

PRONOUNCED ON : 17.10.2025.

JUDGMENT :

1. These appeals are arising out of the common judgment passed by the Reference Court in Land Acquisition Case no.16/1995 and 21/1995. Furthermore, the land acquired under the same land acquisition proceedings bearing field survey nos.527 and 580. Hence, the appeals are taken together for final disposal by common judgment.

2. In the present appeals, the challenge is to the order passed by the learned Ad-hod District Judge, Wardha dated 25.10.2007 by which the learned Reference Court dismissed the Land Acquisition Case no.16/1995 and partly allowed the Land Acquisition Case no.21/1995.

3. In Land Acquisition Case no.21/1995 the Reference Court has directed the respondents to pay Rs.67,952/- to the claimants as a difference of compensation. Being dissatisfied, the said order is challenge before this Court by way of present appeals.

4. In the Land Acquisition Case No.16 of 1995, the appellant owned land bearing field survey no.527 admeasuring 1.80 HR and in Land Acquisition Case no.21/1995 the appellant own the land bearing survey no.580 admeasuring 6.79 HR at mouza Deoli, Tq. Deoli, District Wardha.

5. The Notification under Section 32(2) of the Maharashtra Industrial Development Corporation Act, 1961 was published on 14.12.1989.

Accordingly, the Award was passed by the Special Land Acquisition Officer on 13.07.1994 regarding land bearing Survey No.527 and the appellant therein granted compensation of Rs.52,000/- per hector with statutory benefits. The appellant therein has received total compensation of Rs.1,79,440/-. In case of Land Acquisition Case no. 21/1995 the Award passed by the Special Land Acquisition Officer on 13.07.1996 granting compensation of at the rate of Rs.35,000/- per Hector along with the statutory benefits. The appellant therein has received Rs.2,37,598/- towards total compensation.

6. The appellants being dissatisfied to the compensation granted by the LAO preferred Application under Section 18 of the Land Acquisition Act for enhancement of compensation. Both the proceedings are arising out of the same land acquisition proceedings. The learned Reference Court decided the same by common order dated 25.10.2007.

7. Before the Reference Court the appellants have specifically stated that their land is near to the Yavatmal-Nagpur State Highway and considering its quality, potentiality and productivity, they are entitled for the enhanced compensation in the matter. It is further pointed out that nearby lands owned by the appellants are converted into the non-residential purpose and the land owners therein, received higher compensation. Hence, according to them, the valuation of their land is not less than Rs.75,000/-per acre. In support of their submission, the appellants led evidence and also examined one Jagdish Patel, who is the owner of the adjoining agricultural

field. Hence, according to the appellants, they have established on record that they are entitled for the compensation at the rate of Rs.75,000/- per acre.

In the background of submission and the evidence led before the Reference Court, it was expected that same should be considered in the matter. However, learned Reference Court dismissed the Land Acquisition Case no.16/1995 filed by the appellant and in case of Land Acquisition Case no. 21/1995 only awarded additional total amount of compensation at the rate of Rs.67,952/-.

8. During the course of hearing, it is pointed out by the appellant that this Court while deciding First Appeal no.234/2001 along with other appeals, arising out of the Land Acquisition Case of mouza Deoli, District Wardha, after considering the entire evidence and the availability of the amenities, held that the compensation to the agricultural field is to be granted at the rate of Rs.2 per sq.ft. Hence, the appellants have relied upon the said judgment stating that in view of the decision of this Court, the appellants are also entitled for the same compensation at the rate of Rs.2/- per sq.ft. to their agricultural field.

9. Learned Counsel for the respondents have strongly objected the submission of the appellants. It is stated by them that it was the duty of the appellants to bring on record the entire evidence before the Reference Court and after comparing the same with the land of the appellants, benefit can be granted in the matter. However, there is nothing on record to justify the fact

that the factor considered by this Court in above said first Appeal, are applicable to the present appeals. Therefore, it is the submission that aforestated judgment delivered by this Court is not applicable in the present matters.

10. In the light of the submission of both the parties, I have perused the judgment delivered by this Court on 26.03.2015. It is seen from this judgment that not only the evidence in that particular case but other sale instances were looked into by this Court and held that the land is having a non-agricultural potentiality and therefore, the appellant therein are entitled for the higher compensation. Hence, by considering the matter in the light of said instances and fact that it is having a non-agricultural potentiality, awarded the compensation at the rate of Rs.2/- per sq. ft.

11. In the present appeals also the evidence shows agricultural field of the appellants were having non-agricultural potentiality. And the Appellants' lands are in the vicinity of the land which is involved in First appeal no.234/2001. Therefore, I am of the opinion that the judgment delivered by this Court dated 26.03.2015, is squarely applicable to the facts and circumstances of the present cases. Hence, the appellants are also entitled for the compensation at the same rate.

12. Respondent no.1 made submission that there should be some deduction from enhance amount towards the development charges. However,

the judgment which is relied upon, which is arising out of adjoining land, no amount was deducted towards the development charges. Hence, I am also of the opinion that no development charges needs to be deducted from the appellant on the ground of parity.

13. Accordingly, I proceed to pass the following order :

- (a) The present appeals are partly allowed.
- (b) The impugned order dated 25.10.2007 passed by the Reference Court is quashed and set aside.
- (c) It is held that the appellants are entitled for the compensation at the rate of Rs.2/- per sq. ft. for field survey nos. 527 and 580, situated as Mouza Deoli, Tq. Deoli, Dist. Wardha.
- (d) Respondents shall pay the enhanced amount of compensation to the appellants after deducting the amount which is already paid, within a period of six months from today.
- (e) It is further directed to the respondents to deposit the enhanced amount either before the Reference Court or before this Court and intimate about the same to the claimants before depositing the amount as enhanced by this Court.
- (f) The appellants are entitled for all statutory benefits on enhanced amount of compensation.

- (g) It is made clear that the amount enhanced at the rate of Rs.2/- per sq. ft is for the entire survey numbers, therefore the appellants are not entitled for the benefits of standing trees and other benefits, which are claim in the reference application.
- (h) The calculation at the rate of Rs.2/- sq. ft. is included all the components which are claimed by the appellant in their reference proceedings.

14. The Appeal stand disposed of accordingly.

(PRAVIN S. PATIL, J.)

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