



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

FIRST APPEAL NO. 1265 OF 2010

Vidarbha Irrigation Development Corporation,
Thru. Its Executive Engineer, Bembla Project
Division,
Taq. & Dist. Yavatmal

... Appellant

Versus

1 Suman Sudhakar Sawwalakhe
Aged – Major, Occ.: Household,
R/o. Babhulgaon, Dist. Yavatmal.

2 ~~Pisabai Ganpat Lokhande~~
~~Aged – Major, Occ. Household,~~
~~R/o. Pahur, Tq. Babhulgaon,~~
~~Distt. Yavatmal.~~
(deleted)

... Respondents

3 The State of Maharashtra
Through the Collector,
Yavatmal

4 The Special Land Acquisition Officer,
Bembla Project Division,
Yavatmal

Mr. Raunak Kurani, Advocate h/f Mr. Amol B. Patil, Advocate for appellant.
Mr. M.A. Kadu, AGP for respondent Nos.3 & 4/State.

CORAM : PRAVIN S. PATIL, J.
DATE : 02.12.2025.

ORAL JUDGMENT:

Heard the learned counsel for appellant as well as learned
AGP for respondent Nos.3 & 4/State.

(2) By way of present appeal, the challenged is to the judgment and order passed by the learned Civil Judge Senior Division, Yavatmal in Land Acquisition Case No.235/2005, whereby the learned Reference Court has awarded the enhanced compensation @ of Rs.800/- per sq. meter for open plot and for Rs.2000/- per sq. meter for built up area of acquired property along with statutory benefits.

(3) In short, the case of the respondent/claimant before the learned Reference Court was held, and he was the bilateral owner of Bhukhand No. 828. The said property has been acquired by the appellant, for the purpose of the Bemba Project. In the said land acquisition proceeding, the compensation was awarded by the Special Land Acquisition Officer @ of Rs.80/- per sq. meter for the plot and Rs.1450/- per sq. meter per construction.

(4) The respondent/claimant, being dissatisfied with the meagre compensation awarded by the Special Land Acquisition Officer, preferred the reference. In the Reference, the respondent has claimed the enhancement to the compensation towards the open plot as well as the built up area. As such, total compensation prayed by the respondent before the

Reference Court was Rs.7,01,119/- by deducting the amount which was already received by them through the Special Land Acquisition Officer.

(5) It is seen from the record that before the Reference Court, the respondent has relied upon various decisions of this Court as well as the sale instances whereby this Court has determined the market value of the land higher than what was awarded by the Special Land Acquisition Officer. In the light of the evidence, which respondent brought to the notice of the Reference Court, the same was considered by the Reference Court, and thereby recording the reasons has awarded the compensation at the rate of Rs.800/- per sq. meter for open plot and Rs.12,000/- per sq. meter for built up area for plot No.828 of village Pahur along with statutory benefits.

(6) In the present matter, the learned counsel for the appellant though challenged the order of the Reference Court on various counts, fairly pointed out that this Court in one of the identical matter i.e. First Appeal No.713/2013 decided on 21.02.2019 has dealt with the identical matters arising out of the same notification and for the same village has determined the amount of compensation towards the open plot as well as for the construction portion. Hence, according to them, by considering the said judgment, this appeal can be disposed of.

(7) In the present matter, today the learned counsel for respondent No.1 is absent, so also on the last date no one remained present on behalf of the respondent. However, considering the fact that this Court is deciding the matter on the basis of the judgment delivered by this Court in an identical matter. According to me, no prejudice would be caused to the respondent in the matter if the same is decided on the same line which was considered by this Court in an identical matter.

(8) In the present case, after going through the judgment of this Court dated 21.02.2019 in First Appeal No.713/2013, it is clear that this Court by considering the consistent view taken in earlier matters in respect of the land acquired under the Bembla Project determined the value of open plot as Rs.750/- per sq. meter. The view taken by this Court found to be legal and correct in the facts and circumstances of the present case, hence, I am of the considered opinion that the same view is applicable in the present matter.

(9) In respect of valuation of built up area, learned Reference Court by taking into consideration the rate drawn by valuer and Land Acquisition Officer, by applying his judicial mind determined the correct rate for built up area. Hence, I find no reason to upset the finding recorded on built up area.

(10) A perusal of judgment of the Reference Court also fortify the fact that the Reference Court came to the conclusion on the basis of sale instances which were relied upon by the respondent in the matter. Hence, considering the judgment delivered by the Reference Court, I am of the opinion that to meet the end of justice, the following order will be justified in the matter. Hence, I proceed to pass the following order :

ORDER

- (i) The appeal is partly allowed.
- (ii) The judgment and order passed by the learned Civil Judge Senior Division, Yavatmal in LAC No.235/2025 is modified to the extend for respondent No.1 is entitled for the compensation at the rate of Rs.750/- per sq. meter for open plot and the amount determined by the learned Reference Court for built up area is of Rs.2000/- per sq. meter, is hereby confirmed for plot no.828 of village Pahur.
- (iii) Rest of the judgment and order passed by the Reference Court along with statutory benefits is hereby confirmed.
- (iv) It is informed that appellant has already deposited the compensation amount. However, if any amount remain balance as per the value determined

by this Court, same be deposited within a period of two months.

(v) The respondent No.1 is permitted to withdraw the amount which is deposited by the appellant before the Reference Court.

[PRAVIN S. PATIL, J.]

Prity