



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

FIRST APPEAL NO.451/2018

Maroti Khanduji Ingole,
aged about 50 years, Occ.
Agriculturist R/o. Kurli, Tq.
Umarkhed, Distt. Yavatmal.

... Appellant

- Versus -

1. The State of Maharashtra,
through its Collector, Yavatmal.
2. Special Land Acquisition Officer,
Lower Push Project, Pusad, Tah. Pusad,
District Yavatmal.
3. Vidarbha Irrigation Department,
through its Executive Engineer,
Lower Pus Project, Pusad, Tah.
Pusad, District Yavatmal.

... Respondents

Mr. P. P. Sarise, Advocate h/f Mr. Rahul J. Shinde, Advocate for
the appellant.

Mrs. K. H. Bhondge, A.G.P. for respondent Nos.1 & 2

Mr. Vinay V. Dahat, Advocate for respondent No.3.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATE OF RESERVING THE JUDGMENT: 22.08.2025.

DATE OF PRONOUNCING THE JUDGMENT: 10.09.2025.

JUDGMENT

In this appeal, the appellant, who is original claimant,
seeks further enhancement of compensation for acquisition of his

agricultural land situated in village Kurali, Tahsil Umarkhed, District Yavatmal. His land was acquired for Amadapur Irrigation Project.

2. The Reference Court, by its common judgment and award dated 29.8.2008 in L.A.C. No.266/2002 partly allowed the claim but awarded compensation at a rate much lower than what the appellant claimed to be the fair market value.

3. The appellant contends that the impugned award is contrary to Sections 23, 28 and 34 of the Land Acquisition Act, 1894 as well as the settled law laid down by the Hon'ble Apex Court and High Courts. It is submitted that the compensation granted to the appellant does not represent the true market value of the acquired land.

4. Reliance is placed upon the oral evidence of the claimants (Exh.No.21 and Exh.No.22) and documentary evidence in the form of sale deeds (Exh. Nos.23, 24 and 25)

which demonstrate that the market value of similar land was not less than Rs.1,75,000/- per hectare at the relevant time.

5. It is urged by the learned Advocate for appellant that the Reference Court failed to award just compensation for the fruit-bearing trees and other agricultural produce standing on the acquired land, thereby causing further loss to the claimant.

6. It is submitted that village Kurali is close to the Taluka headquarters at Umarkhed and lies along the Nanded-Nagpur National Highway. Considering the location and rising land values, the fair market rate ought to have been determined at Rs.1,75,000/- per hectare.

7. The appellant has also relied upon Order 41 Rule 33 of the Code of Civil Procedure, 1908 thereby contending that this Court has wide powers to mould the relief in order to grant complete justice to the land owners in compulsory acquisition of land.

8. It is emphasized that the respondents, being custodians of the acquisition records, failed to produce the relevant documents to rebut the appellant's evidence. In the absence of such rebuttal, the Reference Court ought to have accepted the appellant's version and evidence in toto.

9. The learned Advocate for the appellant further argued that the Reference Court did not take judicial notice of the steadily increasing land prices. The low compensation awarded has deprived the claimant of the ability to purchase equivalent land elsewhere, causing grave prejudice to him.

10. Reliance has been placed on the judgment of the Hon'ble Apex Court in *Bhag Singh and others Vs. Union Territory of Chandigarh* reported in **AIR 1985 SC 1576** in which it is observed that where the land is acquired under the Land Acquisition Case, it would not be fair and just to deprive the holder of his land without payment of true market value when the law, in so many terms, declares that he shall be paid such market

value. The State Government must do what is fair and just to the citizens.

11. In view of the above, the appellant pray that the instant appeal be allowed by modifying the impugned common award and the market value of the acquired land be fixed at Rs.1,75,000/- per hectare along with all statutory benefits under the Land Acquisition Act, 1894.

12. Heard both sides and perused the record.

13. It is pointed out that in the present case land belonging to the appellant was situated in village Kurali, Tahsil Umarkhed, District Yavatmal and was acquired for Amadapur Irrigation Project. The notification under Section 4 of the Land Acquisition Act, 1894 was issued in the present case on 21.8.1997. For the land situated in the same village i.e. Kurali land owners were granted compensation at the rate of Rs.83,000/- per hector for dry-crop land.

14. Learned Advocate for the appellant invited attention of this Court to the judgment and order dated 9.7.2019 passed in First Appeal No.479/2015 (Ganesh Dattatray Bhusale through L.Rs. Sulochana Ganesh Bhusale and others V/s. The State of Maharashtra and others).

15. Learned Advocate for the appellant further relied upon the order of this Court passed in First Appeal No.450/2018 (Kondabai Khanduji Ingole V/s. The State of Maharashtra and others) wherein this Court enhanced the compensation to Rs.83,000/- per hector for dry-crop land on the basis of earlier judgment passed by this Court in the context of similarly situated lands of the village Kurali.

16. The above contentions raised on behalf of appellant are not disputed by the respondents. Accordingly, it is found that the appellant is entitled to enhanced compensation in the present case also.

17. Accordingly, appeal is partly allowed.

The respondents are directed to pay enhanced compensation to the appellant for acquisition of his land at village Kurali at the rate of Rs.83,000/- per hector along with all statutory benefits.

Insofar as the interest is concerned, vide order dated 23.1.2018 passed by this Court, delay of 2111 days in filing the appeal was condoned. The appellant shall not be entitled to interest for the aforesaid period of delay of 2111 days.

Accordingly, the respondents shall deposit the amount payable to the appellant in terms of the order passed today in this appeal within a period of six months from today. Upon such deposit of amount, the appellant shall be entitled to withdraw the same immediately.

(MRS.VRUSHALI V.JOSHI, J.)