



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

FIRST APPEAL NO.488 OF 2009

- 1) Vinodkumar S/o Harknarayan alias Hariprasad Jaiswal,
Aged about 45 years, Occupation : Business.
- 2) Promodkumar S/o Haraknarayan alias Hariprasad
Jaiswal (Through his legal heirs)
 - i) Meena Wd/o Pramodkumar Jaiswal,
aged about 50 yrs, Occupation : Household.
 - ii) Ankush S/o Pramodkumar Jaiswal,
aged about 27 yrs, Occupation :
 - iii) Piyush Prmodkumar Jaiswal,
aged about 25 years, Occupation :
- 3) Sanjaykumar Haraknarayan alias Hariprasad
Jaiswal, aged about 40 years, Occu.: Business.
- 4) Ajaykumar S/o Haraknaryan alias Hariprasad
Jaiswal, aged about 38 years, Occupation :
- 5) Abhaykumar S/o Haraknarayan alias Hariprasad
Jaiswal, aged about 36 years, Occupation :
- 6) Sushila Wd/o Haraknarayan alias Hariprasad Jaiswal,
aged about 70 years, Occupation : Household work.

All R/o Kaji Ward, Hinganghat,
District : Wardha.

..... **APPELLANTS**

...V E R S U S...

- 1) State of Maharashtra,
Through Collector, Amravati.
- 2) The Special Land Acquisition Officer,
Minor Irrigation Works, Amravati.

- 3) The Executive Engineer,
Shahanur Project, Achalpur. **RESPONDENTS**

Mr. N. D. Khamborkar, Advocate for Appellants/Applicants.
Ms. M. R. Kavimandan, AGP for Respondent Nos.1 and
2/State.
Mr. M. A. Kadu, Advocate for Respondent No.3.

WITH

FIRST APPEAL NO.491 OF 2009

- 1) Vinodkumar S/o Harknarayan alias Hariprasad Jaiswal,
Aged about 45 years, Occupation : Business.
- 2) Promodkumar S/o Haraknarayan alias Hariprasad
Jaiswal (Through his legal heirs)
 - i) Meena Wd/o Pramodkumar Jaiswal,
aged about 50 yrs, Occupation : Household.
 - ii) Ankush S/o Pramodkumar Jaiswal,
aged about 27 yrs, Occupation :
 - iii) Piyush Prmodkumar Jaiswal,
aged about 25 years, Occupation :
- 3) Sanjaykumar Haraknarayan alias Hariprasad
Jaiswal, aged about 40 years, Occu.: Business.
- 4) Ajaykumar S/o Haraknaryan alias Hariprasad
Jaiswal, aged about 38 years, Occupation :
- 5) Abhaykumar S/o Haraknarayan alias Hariprasad
Jaiswal, aged about 36 years, Occupation :
- 6) Sushila Wd/o Haraknarayan alias Hariprasad Jaiswal,
aged about 70 years, Occupation : Household work.

All R/o Kaji Ward, Hinganghat,
District : Wardha. **APPELLANTS**

...VERSUS...

- 1) State of Maharashtra,
Through Collector, Amravati.
- 2) The Special Land Acquisition Officer,
Minor Irrigation Works, Amravati.
- 3) The Executive Engineer,
Shahanur Project, Achalpur. **RESPONDENTS**

 Mr. N. D. Khamborkar, Advocate for Appellants/Applicants.
 Ms. M. R. Kavimandan, AGP for Respondent Nos.1 and
 2/State.
 Mr. M. A. Kadu, Advocate for Respondent No.3.

CORAM: **ROHIT W. JOSHI, J.**
DATE: **18th FEBRUARY, 2025.**

ORAL JUDGMENT:

1. These two appeals are filed under Section 54 of the Land Acquisition Act, 1894 by owners of land bearing Survey No.20/4 and Survey No.20/5, both admeasuring 2.79 HR, each, situated at village Bhopapur, Tq. Achalpur, Distt. Amravati. In both these matters the learned Reference Court had increased the compensation determined by the Land Acquisition Officer by an amount of Rs.95,697/-. The enhancement is granted by determining rate of the lands at Rs.17,000/- per hectare. Mr. Khamborkar, the learned counsel for the appellant has placed on record a copy of judgment and award dated 18.01.2017 passed by

the learned Civil Judge, Senior Division, Achalpur, District Amravati in Land Acquisition Case No.52/1997 with respect to adjoining land bearing Survey No.20/2 which is acquired under the same notification is subject of the said reference. The learned Reference Court has determined the market value of the said land and Rs.91,636/- per hectare. Mr. Khamborkar submits that the said judgment and award has attained finality in as much as the acquiring body has not filed appeal challenging the said judgment. Mr. Kadu, the learned counsel for respondent no.3/the acquiring body on instructions makes a statement that indeed the land forming subject matter of the above reference case is adjoining to the land of both the appellants in the present appeals and further that the judgment of the learned Reference Court in the said case is not challenged in any appeal. It is also not disputed that the rate of Rs.91,636/- per hectare has been accepted by the acquiring body. This land and the lands forming subject matter of present appeal were earlier part of the same survey number which has been sub-divided upon partition of the original Survey No.20. In this view of the matter the present appeals are disposed of granting enhancement of rate for the acquired lands. Instead of Rs.70,000/- per hectare which is the rate determined by the learned Reference Court in the impugned judgment and award,

the appellant will be entitled to receive compensation for the acquired lands at the rate of Rs.91,636/- per hectare as is determined in Land Acquisition Case No.52/1997. Both these appeals are partly allowed in the following terms:

ORDER

- (i) The respondents are directed to pay compensation for the acquired land bearing Survey No.20/4 admeasuring 2.79 HR and Survey No.20/5 admeasuring 2.79 HR @ Rs.91,636/- per hectare along with 30% solatium and 12% additional component from the date of Section 4 notification i.e. 04.03.1993 till the date of award by Land Acquisition Officer i.e. 04.10.1995 along with interest @ 9% per annum from the date of possession i.e. 04.10.1995 to 03.10.1996 i.e. period of one year from the date of taking possession and @ 15% per annum from 04.10.1996 on the enhanced amount of compensation.

- (ii) Parties to bear their own costs.

(ROHIT W. JOSHI, J.)