



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

FIRST APPEAL NO.143 OF 2023

Pralhad Bapuji Gadewar (dead)
Through his LRs

1. Arvind S/o Pralhad Gadewar (dead)
Through his LRs
- 1(a) Smt. Varsha Wd/o Arvind Gadewar
Age 50 years, Occ: Agriculturist
- 1(b) Avinash S/o Arvind Gadewar
Age 27 years, Occ: Student
- 1(c) Akshay S/o Arvind Gadewar
Age 25 years, Occ: Student
2. Ashok S/o Pralhad Gadewar
Age 45 years, Occ: Agriculturist

All R/o Mandwa, Tq. Digras,
Dist. Yavatmal.

...APPELLANTS
(Orig. Claimant on RA)

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

1. State of Maharashtra,
Through the Collector, Yavatmal.
2. The Special Land Acquisition Officer,
Road Project, Zillha Parishad,
Yavatmal, Dist. Yavatmal.
3. The Executive Engineer,
Building & Construction Department,
Pusad, Tq. Pusad, Dist. Yavatmal.

...RESPONDENTS
(Orig. Respondents on RA)

Shri G.R. Kothari, Advocate for appellants.
Shri H.D. Dubey, AGP for respondents/State.

CORAM:- M.W. CHANDWANI, J.
DATED :- 09.10.2025

ORAL JUDGMENT:

1. The appeal challenges the award dated 10.02.2020 passed by the learned District Judge-1, Darwaha in Land Acquisition Case No.3/2005 whereby, 35% of the total area was deducted for other development purposes such as public utilities.

2. It is common ground that the land was acquired for the purpose of construction of State Highway/diversion road. The facts of the present case are somewhat similar to the case of ***C.R. Nagaraja Shetty Vs. Special Land Acquisition Officer and Estate Officer and another***¹ wherein, the Supreme Court has observed that as the acquisition was only for widening of the National Highway, there is no question of any additional development and therefore, the deduction on that count was not necessary. This Court in the decision of ***Madhukar S/o Manohar Kannawar Vs. State of Maharashtra***² arising out of a similar award under the same Notification has observed that the deduction towards development of the land acquired is unwarranted. Reference can also be made to the decision of the Coordinate Bench of this Court in ***Cross-Objection No.32/2012*** decided on 20.06.2019.

¹ (2009) 11 SCC 75

² First Appeal No.560/2022 (dated 20.08.2022) (Nagpur Bench)

3. Learned Assistant Government Pleader has fairly conceded that the case in hand is covered by the decision of *Madhukar* (supra) as well as *Cross-Objection No.32/2012* (supra).

4. In view of the above, the impugned award is required to be modified. The appellant is entitled for the compensation of land at the rate of ₹23 per square feet for the total acquired area of 36 R without any deduction on account of development of public utilities.

5. The appellant is also entitled for all benefits under the Land Acquisition Act on the area of 36 R; however, the appellant will not be entitled for interest on the delayed period of 32 days. The award be drawn accordingly.

6. The respondents are directed to deposit the amount of compensation for 36 R alongwith consequential benefits within four months from today. After depositing the amount, the appellant shall be entitled for withdrawal of the same.

With this, the appeal stands disposed of.

Wagh

JUDGE