



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

FIRST APPEAL NO.14/2011

Maharashtra Industrial Development Corporation,
having its office at Marol Industrial Estate, Andheri,
East, Mumbai and having its Regional Office
at By Pass Road, Amravati,
through its Chief Executive Officer.

APPELLANT

[Orig. Deft. No. 3] on R.A.)

..Versus..

1) Prayag Natthui Lunge,
Aged about major,
Resident of Shivaji Nagar, Warud
Taluka and Distrit Amravati.

(Claimant on R.A.)

2] State of Maharashtra,
Through Collector, Amravati.

(Ori.Def. No.1)

3] The Sub Divisional Officer cum Land
Acquisition Officer, Amravati.

(Ori.Def. No.2)

RESPONDENTS

Mr. M.M.Agnihotri, Advocate for appellant.
Mr. D.G.Patil, Advocate for respondent no.1.
Mr. S.C.Joshi, AGP for respondent nos.2 and 3.

CORAM : PRAVIN S. PATIL, J.

DATED : 11.12.2025.

1. By way of the present appeal, the appellant has challenged the judgment and award passed by the 3rd Joint Civil Judge Senior Division, Amravati in Land Acquisition Case No. 103/1999 dated 26.8.2010, whereby the learned Court awarded compensation of Rs. 85,000/- per hector to the respondent-claimant. It is an undisputed fact that respondent no.1 was the owner and in possession of land in

bearing Gat No. 199, out of Survey No.39/1C, admeasuring 1.67 hectors of village Wagholi.

2. The notification for acquisition of the said land for development of an Industrial Area was published on 2.6.1994. In the land acquisition proceedings, the Land Acquisition Officer has awarded compensation @ Rs.37,900/- per hector for cultivated land and @ Rs.1500/- for *Pot Kharab* land.

3. Respondent no.1, against the said order of the Land Acquisition Officer, preferred a Reference on various grounds. According to him, the learned Land Acquisition Officer failed to consider the sale instances of the village as well as adjoining villages and without taking into account the quality and potential of the land awarded inadequate compensation.

4. Considering the oral and documentary evidence brought on record by respondent no.1, the Reference Court by the impugned judgment and award awarded compensation @ Rs.85,000/- per hector to respondent no.1 along with all statutory benefits.

5. In the present matter, though the appellant raised various grounds in the matter and stated that the compensation awarded by the Reference Court was excessive, he fairly pointed out that this Court has already decided cases arising out of the same acquisition proceedings and after relying upon the judgment passed by the Reference Court in similar cases, determined the market value of the acquired land

@ Rs. 85,000/- per hector. Hence, according to him, applying the rule of parity, the present appeal can be disposed of on the same ground, which was considered by this Court in earlier judgments.

6. The learned counsel for the appellant relied upon the judgment of this Court in ***First Appeal No.1222/2013 (Maharashtra Industrial Development Corporation Vs. Kisan Gangram Ghule since dead through his LRs.) decided on 15.10.2019***. In the said judgment, this Court considered the rate of compensation awarded by the Reference Court in various connected land acquisition cases. Accordingly, it is held that by considering Section 28A of the Land Acquisition Act, the land owners therein were entitled to the same compensation as awarded to other land owners whose lands were similarly acquired. So also on the basis of documentary evidence which was produced before this Court of the land of village Wagholi and adjacent area held that the land owners therein were entitled to compensation @ Rs. 85,000/- per hector.

7. In the light of the observations made by the Reference Court, I find that the Reference Court has applied its judicial mind in the matter. It relied upon the sale instances of the adjacent lands as well as the judgment delivered by the Reference Court in other reference cases. On the basis of considering all the matters which were placed before the Reference Court, specifically observed in para 15 that considering the potential of the land, location of the village, and

material placed on record, the respondent-claimant is entitled for compensation @ Rs.85,000/- per hector.

8. Hence, in view of the finding of the learned Reference Court coupled with the fact that this Court in First Appeal No.1222/2013 has already determined the valuation of the land of village Wagholi at the same rate, I find no merit in the present appeal. The appeal is accordingly dismissed.

9. The appellant is directed to deposit the entire compensation awarded by the Reference Court either before this Court or before the Reference Court within a period of six months from the date of order.

(PRAVIN S. PATIL, J.)

Mukund Ambulkar