



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

First Appeal No.244/2025

Smt. Shantabai wd/o Bhiwaji Natkar (Dead) thrLrs

1. Krushna Bhiwaji Natkar,
Aged 50 years, Occ. Service and Agriculturist.
2. Pralhad Bhiwaji Natkar,
Aged 46 years, Occ. Agriculturist
R/o-Kumbharkinh, Tq. Darwha, Dist. Yavatmal. Appellants.

Versus

1. State of Maharashtra,
through Collector, Yavatmal.
2. Special Land Acquisition Officer, Darwha,
Tq. Darwha, Dist. Yavatmal.
3. The Executive Engineer of Kumbharkinh
Dam Project Division, Pusad, Tq. Pusad, Dist. Yavatmal Respondents.

 Mr. I.M. Ghongade, Advocate for appellants.

Mr. A. Parihar, Advocate for resp. no.3.

Mr. Narale, AGP for resp. nos.1 and 2.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 28-11-2025.

Oral Judgment

Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. This is an appeal under Section 54 of the Land Acquisition Act by the original landowners/claimants.

3. The appellants who are the original landowners submit that their land was acquired for Kumbharkinh Dam Project and compensation was awarded by the impugned judgment and award dated 30-11-2013. It is submitted that the compensation awarded was inadequate since the

compensation for the built up area/construction was granted only at the rate of Rs.1100/- per sq.mtr. Learned Counsel for the appellants submits that in identical matters arising from the same project with respect to identically situated land this Court has passed judgment and order in First Appeal No.1092/2024 and granted enhanced compensation for the constructed area. He submits that the instant appeal is identical to the said appeal and it may be disposed of in view of the same directions.

4. Learned Counsel of respondent nos. 1 to 3 do not dispute the fact that the appeal is covered by judgment and order dated 03-12-2024 passed by this Court in First Appeal No.1092/2024.

5. Having regard to these factual and legal aspects, the instant appeal is allowed and following order is passed:-

6. The appellants are entitled for compensation at the rate of Rs. 3,200/- per Sq.Mtr. for the constructed area of 33.17 Sq.Mtr and to this extent the impugned judgment and award is modified alongwith the statutory benefits, except the period for which the delay was caused in filing the appeal and it was condoned by this Court by order dated 03-02-2025.

7. The respondent acquiring body is directed to calculate the appropriate compensation as per the above rate and deposit the remaining amount in this Court within six months from today. The appellants are directed to pay the deficit Court fees, if any, on the enhanced amount of compensation. After depositing the amount, the appellants are entitled to withdraw the same without submitting any separate application.

8. Registry is directed accordingly to release and pay the amount.
9. Rule is made absolute in above terms. No costs.

(Prafulla S. Khubalkar, J.)

Deshmukh