



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

FIRST APPEAL NO.1888 OF 2019

Executive Engineer, Nimna Painganga Project,
Bembla Project Canal Division, Yavatmal, Tq.
And Dist Yavatmal.

... APPELLANT

VERSUS

1. Krushna Tanaba Waghade age : 45 years,
Occ. Agriculturist, Resi. Gujar, Tq.
Ralegaon, Dist. Yavatmal.
2. State of Maharashtra, through its Collector,
yavatmal, Tq. And distt. Yavatmal.
3. Special Land Acquisition Officer, Bembla
Project, Yavatmal, Dist. Yavatmal.

... RESPONDENTS

Mrs. Ira P. Khisti, Advocate for the appellant.
Shri B.R. Diwan, Advocate for respondent no. 1.
Shri S. Joshi, Assistant Government Pleader for the State.

CORAM : PRAVIN S. PATIL, JJ.

DATE : 11.09.2025.

ORAL JUDGMENT :

1. Heard the learned Counsel appearing for the parties.
2. By this appeal the challenge is to the judgment and order

dated 02.05.2017 passed by the Joint Civil Judge, Senior Division, Yavatmal in L.A.C. No.780/2012.

3. It is not disputed in the matter that out of 2.02 HR land, 0.20 HR land of Gat No.151/2 mouza Gujri, Tahsil Kalamb, District Yavatmal was acquired for the purpose of Bembla Project. It is further not disputed that notification under Section 4 of the Land Acquisition Act, 2009 was issued on 01.10.2007 and Land Acquisition Officer has granted compensation @ Rs.82,400/- per hector. The said Award was challenged in Reference No.780/2012. The Reference Court has enhanced the amount of compensation to Rs.4,20,000/- per hector for acquired land admeasuring 0.20 HR bearing Gat No.151/2.

4. The Acquiring Body filed the present appeal challenging the judgment of the Reference Court on the ground that the amount, which was awarded, according to them, is exorbitant, therefore, indulgence is required in the matter.

5. Learned Counsel appearing for respondent no.1 relied upon the judgment delivered by this Court in First Appeal No.1235/2018 decided along with other appeals on 07.05.2024. It is pointed out that in the said proceeding, the land in question was situated at Village Gujri, Tahsil Kalamb, District Yavatmal for the

purpose of Bembla Project. This Court after considering the entire aspect of the matter, held that the amount determined by the Reference Court is correct and accordingly dismissed the appeal filed by the Acquiring Body.

6. Both the learned Counsel fairly admitted that present appeal is squarely covered by the above said judgment. It is also seen from the record that present proceedings is arising out of the same notification dated 14.09.2017 and land situated at village Gujri.

7. In view of the above, the present is dismissed.

8. The appellant is directed to deposit the balance amount, if any, as per the Award of the Reference Court within a period of three months.

9. Respondents are at liberty to withdraw the amount which is lying with the registry of this Court as well as Reference Court, subject to the satisfaction of the Registrar (judicial).

(PRAVIN S. PATIL, J.)

Trupti