



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

FIRST APPEAL NO.756 OF 2018

1. The State of Maharashtra Through the Collector, Yavatmal.
2. The Special Land Acquisition Officer For Minor Irrigation Project No.2, Yavatmal.
3. The Executive Engineer, Local Level (Minor Irrigation Project, Yavatmal.

... APPELLANT

VERSUS

Kavarilal s/o. Kesarimal Jain (Lunavath), Aged about 52 years, R/o Asegaon Devi, Tq. Babhulgaon, District Yavatmal.

... RESPONDENT

Shri M.A. Kadu, Assistant Government Pleader for the State.
Shri A.B. Nakshane, Advocate for respondent no.1.

CORAM : PRAVIN S. PATIL, J.

DATE : 09.10.2025.

ORAL JUDGMENT :

1. By way of the present appeal the challenge is to the judgment and order dated 06.04.2015 passed in L.A.C. no. 18/2012 by the Civil

Judge, Senior Division, Yavatmal. The ground of challenge in the present appeal at the instance of appellant is that there is no proper appreciation of the evidence to the extent of compensation granted towards the Well as well as the land, which is in dispute.

2. Undisputedly, vide Notification dated 21.01.1999, the land of the respondent ad-measuring 4.00 HR out of Gat No.245 of village Alegaon, Tq. Babhulgaon, District Yavataml was acquired in the matter. As per the final Award dated 02.02.2002, compensation was granted to the respondent at the rate of Rs.38,000/- per Hector for 1.82 HR. The respondent being dissatisfied with the compensation amount, preferred the Reference under Section 18 of the Land Acquisition Act.

3. Respondent No.1 to prove his claim for enhancement before Reference Court has examined Mannalal Keshrimal Jain (Exhibit 21), Valuer Sunil Kesharao Chendkapure (Exhibit 34). It has been clear from the record that the present appellant do not lead any evidence in support of their claim. In the light of above said evidence, learned Reference Court has recorded the findings that in L.A.C. No.278/2005 decided by the Reference Court which was arising out of same project and acquisition proceedings, was relied upon. Accordingly, on the basis of said judgment, compensation at the rate of Rs.2,00,000/- per Hector was awarded towards acquired land to the respondent.

4. In respect of awarding compensation towards the Well i.e. Rs.75,000/- reliance was placed on Exhibit 30 and on the valuer report. As such on the basis of evidence made available before him, the enhancement was granted in the matter.

5. The appellant in the present appeal came with a case that the compensation awarded towards the Well is of higher side than what the factual position involved in the matter. However, to support this submission, there is no evidence placed on record.

6. On the other hand, respondent no.1 established before the Reference Court that while acquiring his land, possession receipts (Exhibit 30) was issued by acquiring body and there was specific mention that there was Well in the land acquired by the appellant. It is also established on record that by fetching water from the said Wells, the cultivation has been done in the agricultural field. Not only this, 7/12 extract (Exhibit 27 and 28) available on record itself made it clear that there was Well in the agricultural field, which was acquired in the matter.

7. The respondent to prove his case also examined PW2 Sunil Chendkapure (Exhibit 34). He has proved the valuation report (Exhibit 35) in respect of Well and Bandh. According to his valuation, the costs goes up-to Rs.1,44,000/-. The learned Reference Court after scrutinizing the evidence of this valuer, held that though the value is of Rs.1,44,000/-

but considering the evidence available on record, respondent failed to establish the existence of Bandh in the agricultural land and by recording the sound reasoning, held that respondent is entitled to Rs.75,000/- only towards the compensation of Well.

8. In view of above said specific findings of the learned Reference Court which clearly demonstrates that every aspect of the matter is properly dealt with the matter, I do not find any substance in the submission made by the appellant.

9. It is also clear from the record that present appellant did not adduce any evidence before the Reference Court to prove its case. So also no documentary evidence placed on record to establish the fact that the finding recorded by the Reference Court are contrary to the record. I found no merits in the submission of appellant in the present appeal. Hence, I see no reason to interfere in the well reasoned order of the Reference Court.

10. Hence for the reasons stated above, the appeal stands dismissed.

(PRAVIN S. PATIL, J.)

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