



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

FIRST APPEAL NO.423 OF 2016

Sudam Tulshiram Virutkar
Age – 67 yrs, Occ. - Agriculturist
R/o :- Kolhi, Tq – Babhulgaon
Dist. Yavatmal.

..... **APPELLANT**

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

- 1) The Executive Engineer,
Bembla Project Division,
Yavatmal.
- 2) Special Land Acquisition Officer,
Bembla Project Yavatmal
Yavatmal.
- 3) The State of Maharashtra through
Collector, Yavatmal,
Tq. & Dist. Yavatmal.

..... **RESPONDENTS**

Mr. A. B. Nakshane, Advocate for Appellant.
Mr. M. A. Kadu, Advocate for Respondent No.1.
Ms. M. R. Kavimandan, AGP for Respondent Nos.2 and
3/State.

CORAM: **ROHIT W. JOSHI, J.**
DATE: **7th FEBRUARY, 2025.**

ORAL JUDGMENT:

1. Heard the learned counsel for the parties.
2. The land of the appellant bearing Gat No.330 of

village Kolhi, Tahsil Babhulgaon, District Yavatmal admeasuring 2.14 HR was acquired for Bembla Project. The notification under Section 4 of the Land Acquisition Act was issued on 05.06.2003 and the Land Acquisition Officer passed award dated 22.09.2005 awarding compensation for the land at the rate of Rs.58,698/- per hectare in addition to sum of Rs.51,220/- was awarded for the well. The appellant made a reference under Section 18 of the Land Acquisition Act in which the learned Reference Court has vide judgment dated 02.03.2015 enhanced the compensation for land at the rate of Rs.2,10,000/- per hectare and has awarded a sum of Rs.1,02,000/- for the well and Rs.12,000/- for the pipeline and Rs.31,000/- for the bandh. Dissatisfied with the compensation awarded by the learned Reference Court, the present appeal has been preferred by the land owner.

3. Mr. A. B. Nakshane, the learned counsel for the appellant has placed on record judgment dated 04.05.2023 passed by this Court in First Appeal No.862/2016. He contends that the controversy regarding computation of compensation in the present appeal is covered by the said judgment. He points out from the judgment of the learned Reference Court that the suit field is held to be a seasonally irrigated land and compensation at the rate of

Rs.4,02,000/- per hector is granted for seasonally irrigated land in the same village acquired under the same section 4 notification in First Appeal No.862/2016. Mr. Kadu, the learned counsel appearing for the respondent no.1 and the learned Assistant Government Pleader appearing for the respondent nos.2 and 3 do not dispute the statement. I have also perused the judgment in First Appeal No.862/2016 to ascertain the same. In view of the aforesaid, the appeal is partly allowed in the following terms:

- [i] The respondents are jointly and severally liable to pay compensation for the acquired land admeasuring 2.14 HR bearing Gat No.30 of village Kolhi, Tq. Babhulgaon, Dist. Yavatmal at the rate of Rs.4,02,000/- per hectare along with solatium, 12% component and interest as awarded by the learned Reference Court on the enhanced amount of compensation.
- [ii] The respondent no.1 is directed to deposit the enhanced amount of compensation with this Court within a period of six months from today.
- [iii] Office is directed to calculate court fee payable

on the enhanced amount of compensation and notify the same. The appellant is directed to deposit the court fee within period four weeks thereafter.

[iv] Parties to bear their own costs.

(ROHIT W. JOSHI, J.)