



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

FIRST APPEAL NO. 1274 OF 2024

Namdeo Hitaji Borchate (Dead) and Laxmibai Namdeo Borchate (Dead) Through LR's

Sudarshan Namdeo Borchate, Aged about 56 years,
Occ: Agriculturist, R/o Kumbharkinh, Taluka Darwaha, District Yavatmal.

APPELLANT

VERSUS

1. The State of Maharashtra, Through the Collector, Yavatmal, Taluka & Dist. Yavatmal.
2. Sub-Divisional Officer & Land Acquisition Officer of Kumbharkinh, Taluka Darwaha, Dist. Yavatmal.
3. The Executive Engineer, Kumbharkinh Dam, Taluka Darwaha, District Yavatmal.
4. Kailash Namdeo Borchate (Dead) Through LR's
- 4(a) Sadhna Kailash Borchate, Aged about 52 years, Occ. Agriculturist.
- 4(b) Saurabh Kailash Borchate, Aged about 21 years, Occ. Agriculturist.
- 4(c) Shivani Kailash Borchate, Aged about 18 years, Occ. Agriculturist.

Nos.4(a) to 4(c) are R/o Kumbharkinh, Taluka Darwaha, District Yavatmal.

RESPONDENTS

Shri J.A. Malnas with Shri I.M. Ghongade, counsel for the appellant.
Shri H.D. Futane, Assistant Government Pleader for the respondent nos.1 and 2.
Shri T.M. Zaheer, counsel for the respondent no.3.
Shri N.Z. Mirza, counsel for the respondent no.4(a) to 4(c).

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : DECEMBER 04, 2025

ORAL JUDGMENT

Heard. **ADMIT.** Taken up for final hearing with consent of the learned counsel for the parties.

2. By this appeal under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act of 1894) read with Section 96 of the Code of Civil

Procedure, 1908, the appellant who is the legal representative of the original claimant has prayed for enhanced compensation and has sought for modification of the judgment and award passed by the Court of Civil Judge (Senior Division), Darwha in Land Acquisition Case No.44 of 2007 decided on 21.12.2016.

3. The learned counsel for the appellant submitted that the land of the original claimant was acquired for submergence of Kumbharkinhi dam at village Kumbharkinhi, Taluka Darwha, District Yavatmal and the appellant's total land admeasuring 2 Hectare 68 Are from Gat no.29, situated at village Kumbharkinhi was acquired out of which 1 Hectare 45 Are land was irrigated and 1 Hectare 23 Are land was dry crop land. He submitted that the reference Court had granted meagre compensation of Rs.1,50,000/- per Hectare for irrigated land and Rs.1,00,000/- per Hectare for the dry crop land. He submitted that with respect to similarly situated lands, this Court has decided First Appeal No.1145 of 2019 by judgment dated 13.09.2024 granted enhanced compensation and accordingly the appellant herein prayed for the same rate of compensation. He therefore submitted that the instant appeal can be decided in view of judgment in First Appeal no.1145 of 2019 as the land in question is from Survey no.29 whereas the judgment in First Appeal No.1145 of 2019 was with respect to land Survey no.27/2, both situated in village Kumbharkinhi, both being acquired by same notification, for the same project and from the same village and therefore, the matter is covered by the said judgment.

4. The learned counsels for the respondents do not dispute the fact that the instant appeal is covered by the judgment in First Appeal No.1145 of 2019.

5. In view of the above, there is no impediment to decide the instant appeal in terms of the judgment dated 13.09.2024 passed by this Court in First Appeal No.1145 of 2019 and grant same rate of compensation. Accordingly, the following order is passed.

- I. The judgment dated 13.09.2024 passed by the reference Court is modified and it is held that the claimants are entitled for compensation at the rate of Rs.2,28,000/- per Hectare for the irrigated land and Rs.1,14,000/- per Hectare for the dry crop land alongwith all statutory benefits.
- II. The acquiring body is directed to calculate the appropriate compensation as per the above rate and deposit it in this Court within a period of six months from the date of this judgment.
- III. The appellant is directed to pay the deficit Court fees on enhanced amount of compensation before seeking withdrawal of the amount of compensation.

6. The first appeal is allowed in aforesaid terms and disposed of. The parties to bear their own costs.

(PRAFULLA S. KHUBALKAR, J.)