



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

FIRST APPEAL NO. 1090 OF 2023

Pravin s/o Dinkarrao Kakde (Ghuikhedkar)
Aged : 52 Years, Occu : Agriculturist; R/o
Ghuikhed, Tahsil Chandur Railway, District
Amravati.

... APPELLANT

VERSUS

1. The State of Maharashtra
through the Collector, Amravati, District
Amravati.
2. The Special Land Acquisition Officer
Upper Wardha Project No.4, Tahsil and
District Amravati.
3. The Executive Engineer
Bembla Project Division, Yavatmal;
Tahsil and District Yavatmal.

... RESPONDENTS

Ms. S. H. Bhagat, Advocate for Appellant.

Ms. M. V. Babhulkar, Advocate h/f Mr. M. A. Kadu, Advocate for Respondent
No.3.

Ms. H. S. Dhande, AGP for Respondent Nos.1 and 2/State.

CORAM : ROHIT W. JOSHI, J.
DATE : JANUARY 31, 2025.

ORAL JUDGMENT

. Heard Ms. S. H. Bhagat, learned Counsel for Appellant, Ms. M. V.
Babhulkar, learned Counsel h/f Mr. M. A. Kadu, learned Counsel for the

Respondent No.3 and Ms. H. S. Dhande, learned AGP for Respondent Nos.1 and 2.

2. The present Appeal is filed under Section 54 of the Land Acquisition Act, 1894 (*for short, 'the Act of 1894'*) by the Original Claimant, who is dissatisfied with the Judgment and Award dated 29/8/2017 passed by the learned Civil Judge Senior Division, Amravati in Land Acquisition Case No. 168/2013.

3. The property being House No. 195/2 having built up area of 188.23 sq.mtr. and total land admeasuring 229.90 sq. mtr. at village Ghuikhed, Tahsil Chandur Railway, District Amravati was acquired for the purpose of submergence area of Bembra Project. Notification under Section 4 of the Act of 1894 was published on 26/10/2005. The Award under section 11 was passed on 6/9/2008. The Land Acquisition Officer awarded compensation to the Claimant at the rate of Rs.140/- per sq. ft. for the open land and an amount of Rs.32,186/- for construction.

4. Being dissatisfied with the awarded compensation, the Appellant had filed reference under Section 18 of the Act of 1894. The learned Reference Court has partly allowed the reference vide Judgment and Award dated 29/8/2017, increasing the amount of compensation payable to Rs. 1,34,464/-

along with solatium and other statutory benefits. The amount is computed by awarding Rs.82,764/- towards cost of the plot and Rs. 51,700/- towards construction.

5. The Appellant has preferred the present Appeal seeking enhancement in the amount of compensation as awarded by the learned Reference Court.

6. The learned Counsel for Appellant makes a statement that the controversy involved in the Appeal is covered by the Judgment dated 6/9/2021 passed by the Co-ordinate Bench of this Court in First Appeal Nos. 1378/2018 and 389/2018 as also the Judgment dated 13/10/2023 passed by this Court in First Appeal No. 918/2023. Ms. Dhande, the learned AGP appearing for the Respondent Nos.1 and 2 and Ms. Babhulkar, learned Counsel appearing for the Respondent No.3 do not dispute this statement.

7. In view of the aforesaid, it shall be appropriate to determine the compensation in the present case at the rate decided by this Court in the aforesaid two Judgments. This Court has enhanced the amount of compensation for the land at Rs.575/- per sq.mtr. and has maintained the amount of compensation for the construction as was awarded by the learned Reference Court.

8. In view of the aforesaid, the Appellant in the present case is entitled for compensation of land admeasuring 229.90 sq. mtr. at the rate of Rs.575/- per sq. mtr. In addition to this, the Appellant is also entitled to receive a sum of Rs.51,700/- for the construction, as was awarded by the learned Reference Court. The Appellant is entitled to receive the enhanced amount of compensation with all statutory benefits and interest. While condoning the delay, this Court, vide order dated 4/11/2023, has already held that the Appellant will not be entitled to claim interest for the delayed period of 839 days. The Amount of interest will be computed accordingly.

9. The First Appeal is partly allowed and disposed of accordingly with no order as to cost.

(ROHIT W. JOSHI, J.)