



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

FIRST APPEAL NO.1261 OF 2019

The Executive Engineer,
Central Railway, Ajni Nagpur,
Tah. & Dist. Nagpur.

... APPELLANT
(Original Non-applicant on
R.A.)

// VERSUS //

1. **Shri Abhay Shankarrao Sangai,**
Aged about : 44 Yrs., Occu. : Agriculturist,
R/o. Ratnapur, Tah. Deoli & Distt.
Wardha.

... RESPONDENTS
(Original Applicant on R.A.)

2. **The State of Maharashtra,**
Through its Collector Wardha,
Tah. & Distt. Wardha.

(Original non-Applicant on
R.A1).

3. **Special Land Acquisition Officer (G),**
Wardha, Tah. & Dist. Wardha

(Original non-Applicant on
R.A.2)

Mr N. P. Lambat, Advocate for the appellant
Ms Prachi Joshi, AGP for respondent Nos. 2 and 3

CORAM : G. A. SANAP, J.
DATE : 18/04/2024

ORAL JUDGMENT :

- 1 Heard finally with the consent of learned Advocates
for the parties.

2 In this appeal, the challenge is to the judgment and award dated 16.02.2018 passed by Joint Civil Judge, Senior Division, Wardha whereby the reference filed by respondent No.1 was allowed and the compensation for his irrigated land was enhanced to Rs.10,00,000/- (Rupees Ten Lacs Only) per hectare.

3 Background facts:

Respondent No.1 is the owner of land bearing survey No.21/1 admeasuring 1.92 HR. Out of this land, 0.12 HR land was acquired by the appellant for laying Wardha-Nanded via Yavatmal-Pusad New Railway Line. A notification was issued on 14.03.2013 under Section 4(1) of the Land Acquisition Act, 1894. The Land Acquisition Officer passed the award on 11.11.2013 and awarded the compensation @ Rs.2,47,300/- (Rupees Two Lacs Forty Seven Thousand Three Hundred Only) per hectare.

4. The respondent No.1 was aggrieved by the award passed by the Land Acquisition Officer. He therefore, filed reference before the Collector. The Collector made over the reference to the Civil Court. The learned Judge on consideration of the evidence enhanced the compensation from Rs.2,47,300/- (Rupees Two Lacs Forty Seven Thousand Three Hundred Only) per hectare to Rs.10,00,000/- (Rupees Ten Lacs Only) per hectare. Being aggrieved by this judgment and award the acquiring body has come before this Court in appeal.

5. I have heard learned Advocate Mr N. P. Lambat for the appellant and the learned AGP Ms Prachi Joshi for the respondent Nos. 2 and 3/State. Perused the record and proceedings.

6. Learned Advocates for the parties submit that this appeal is covered by the decision rendered by this Court in *First Appeal No.337/2024 (Prashant Nagorao Vitalkar Vs.*

State of Maharashtra and others) with *First Appeal No.338/2024 (The Executive Engineer, Central Railway, Ajni Nagpur vs. Shri Prashant Nagorao Vitalkar and others)* decided on 18.04.2024. Learned Advocates pointed out that this Court has awarded the compensation for irrigated land @ of Rs.10,00,000/- (Rupees Ten Lacs Only) per hectare and for dry crop land @ of Rs.5,00,000/- (Rupees Five Lacs Only) per hectare. It is submitted that the land in this appeal as well as the land in First Appeal Nos.337/2024 with First Appeal No.338/2024 are similar in all respects. The lands are situated in the same area and acquired for the same purpose under same notification.

7. It is seen that the Reference Court has awarded the compensation @ Rs.10,00,000/- (Rupees Ten Lacs Only) per hectare in respect of irrigated land. In my view, this appeal is fully covered by the decision rendered by this Court in above two appeals on 18.04.2024.

8. In view of this, I do not see any substance in the appeal. Accordingly, First appeal stands dismissed.

9. The first appeal stands disposed of. No order as to costs. Pending applications, if any, stand disposed of.

(G. A. SANAP, J.)