



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

FIRST APPEAL NO. 492 OF 2019

1. Vidarbha Irrigation Development
Corporation, through
The Executive Engineer,
Bembla Project, Awadhootwadi, Yavatmal &
Tq. Dist. Yavatmal.

2. The Executive Engineer,
Bembla Project, Vidarbha Irrigation
Development Corporation, Awadhootwadi,
Yavatmal & Tq. Dist. Yavatmal.

... **Appellants**

.. **Versus** ..

1. Raisingh S/o. Budhaji Chavan, (Dead)
Through LRs.

1-a. Smt. Durgabai W/o. Raisingh Chavan,
Aged about 50 years,
Occupation: Household,

1-b. Sharad S/o. Raisingh Chavan,
Aged about 28 years,
Occupation: Agriculturist,

1-c. Shrikrushna S/o. Raisingh Chavan,
Aged about 26 years,
Occupation: Agriculturist,

1-d. Sau. Archana w/o Ishwar Rathod
Aged about 25 years,
Occupation: Agriculturist,

1-e. Ku. Ashwini D/o. Raisingh Chavan,
Aged about 13 years,
Occupation: Household,
Through natural guardian,
Durgabai W/o. Raisingh Chavan,
All R/o. Rasulpur, Tq. Bhabhulgaon,
Tq. & Distt. Yavatmal.

2. The State of Maharashtra,
Through the Collector,
Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer,
Bembla Project, Yavatmal,
Tq. Dist. Yavatmal.

... **Respondents**

Shri M.A. Kadu, Advocate for appellants.
Shri M.V. Bute, Advocate for respondent nos. 1(a) to 1(e).
Shri G.S.Umale, AGP for respondent/State.

CORAM : **NEERAJ P. DHOTE, J.**

DATE : **26/03/2026**

ORAL JUDGMENT

This is an Appeal under Section 54 of the Land Acquisition Act, 1894 (for short, 'L.A.Act') by the Acquiring Body against the judgment and award dated 25/11/2016 passed by the learned 3rd Joint Civil Judge (Senior Division), Yavatmal (for short, 'Reference Court') in Land Reference/L.A.C. No.

723/2006, awarding the enhanced compensation @ Rs. 3,42,000/- per hectare towards the acquired land admeasuring 1.82 HR bearing Land Block Nos. 57, 58 & 59, situated at village Rasulpur, Tq. Babhulgaon, District Yavatmal, which was acquired for submergence in the Bembla River Project.

2. Heard the learned counsel for the Appellants-Acquiring Body, the learned counsel for the Respondent nos. 1(a) to 1(e)-Claimants and the learned AGP for the State.

(a) It is submitted by the learned counsel for the Appellants-Acquiring Body that, the Claimants relied on the sale instance of the adjacent village Panas wherein the rate of Rs. 1,00,000/- per hectare was shown in the sale deed of the year 1996. The Notification under Section 4 of the L.A. Act was issued in the year 1997. The said sale instance was the best piece of evidence to enhance the compensation. However, the learned Reference Court relied on the earlier decision in one Reference Application. He submitted that, though the Claimants brought on record the three (3) 7/12 extracts below Exh. 64, 65 and 66 of the Acquired Land, there are no entries of trees and well. He submits that, therefore, the compensation awarded by considering the

land as irrigated land needs to be interfered with, by considering the acquired land as Dry Crop Land. He submits that, the Appeal be allowed.

(b) It is submitted by the learned counsel for the Claimants that, the Land Acquisition Officer (LAO) granted the compensation for well and also for the orange trees, which was sufficient to show that, the acquired land was irrigated land. The learned Reference Court has rightly relied on the decision in the earlier Reference Application, which was from the same village, where the subject lands were situated at village Rasulpur. He submits that, no interference was called for in the impugned judgment and award.

3. With the assistance of the learned counsel for both the sides, perused the papers on record. There is no dispute with respect to the extent of the claimants' land acquired for the Bembla River Project. Undisputedly, the Claimants in support of their Reference Application, relied on the sale instance of 1996 from the adjacent village Panas. The learned Reference Court observed that, there was no evidence to show the similarities between the two lands and therefore, did not consider the sale

instance, which was relied upon by the Claimants. The observations in the impugned judgment shows that, the learned Reference Court relied on the decision in Reference No. 826/2006, which was in respect of acquisition of land for the same project from the same village wherein the compensation of Rs. 3,42,000/- per hectare was granted. The learned Reference Court considered the subject land as irrigated land. When the LAO granted the compensation for the well and also for the orange trees that, itself is sufficient to uphold the observations made by the learned Reference Court, that the subject lands were irrigated lands. There is nothing to show that, the said decision, which is relied upon by the learned Reference Court was interfered by the Higher Forum. Thus, no fault can be found with the impugned judgment and award and the Appeal fails. Hence, the following order:-

ORDER

- i) The Appeal stands **dismissed** with no order as to costs.
- ii) The compensation amount deposited by the Acquiring Body under the Award is permitted to be withdrawn by the Claimants after following due procedure.

- iii) R & P be sent back to the learned Reference Court.
- iv) The pending Civil Application, if any, sands **disposed of**.

[NEERAJ P. DHOTE, J.]

B.T.K.