



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

**FIRST APPEAL NO. 5 OF 2011**

(M.I.D.C. Amravati thr its Chief Executive Officer Vs. Kamruddin s/o Walibhai Sorthiya  
(dead) thr LRs and ors)

WITH

**CROSS OBJECTION 28 OF 2011**

(Mah. Industrial Development Corpn. Vs. Kamruddin s/o walibhai Sorthia and ors )

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.*

*Court's or Judge's orders.*

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Mr. M.M. Agnihotri, Advocate for appellant.  
Mr. Amar Chaudhary, Advocate for respondent Nos. 1a and 1b.  
Mr. S.B. Bissa, AGP for respondent nos 2 and 3/State.

**CORAM: RAJNISH R. VYAS, J.**

**DATE: 24.04.2026**

**CROSS OBJECTION 28 OF 2011**

Heard.

2. List on 29.4.2026, for further consideration.

**FIRST APPEAL NO. 5 OF 2011**

Heard.

2. This appeal challenges the Judgment and Award dated 24.10.2008, passed by the Reference Court, in Land Acquisition Case No. 56/2002.

3. The learned counsel for the claimant has invited my attention to the order passed by this Court on 11.10.2019, thereby dismissing First Appeal No. 7/2011 along with connected matters, which were at the behest of the Acquiring Body. He

then contended that in First Appeal No. 7/2011, along with connected matters, the Award passed by the reference Court was in respect of the lands which were the subject matter of the same Notification and the lands were situated in the same village, was challenged. According to him, after dealing with the arguments advanced, this Court was not satisfied with the contention raised by the acquiring body that rates fixed by the Reference Court were excessive. This Court, thereafter, in paragraph 6 has given reasons and dismissed the appeal preferred by the acquiring body.

4. Per contra, the learned counsel for acquiring body, though, has not disputed the order passed by this Court, argued that relief can not be granted to the claimants. The learned AGP for State has fairly conceded that the issue is no more res integra and the appeal preferred by the acquiring body is liable to be dismissed.

5. With the able assistance of learned counsels for the respective parties, I have gone through the record of the case.

6. In First Appeal No. 7/2011 and connected matters, the land was acquired from village Pangari, District Yavatmal, more particularly, Survey No. 6/1B, admeasuring 1.20 HR. Though, the date of Notification in the present Appeal is 9.3.1995, it is not disputed that the land in the appeal was acquired for non-agricultural purpose i.e. expansion of industrial area. This Court in paragraph 6 of the judgment, in First Appeal 7/2011, dated 11.10.2019, has observed thus:

*“6. In First Appeal Nos. 7/2011, 860/2011 and 979/2012, the reference Court has granted compensation at the rate of Rs. 2,00,000/- per hectare for the acquired land of Village Pangari. This Court has granted compensation of Rs. 2,00,000/- per hectare in First Appeal No. 56/2006 decided on 24-4-2018 along with connected appeals. All other cited judgments by the side of appellant are considered by this Court in First Appeal No. 56/2006 along connected appeals. Those lands were of Village Bhoyar acquired by the appellant for the same project. The lands of Village Bhoyar and Village Pangari are adjacent to each other. The acquisition itself was for non-agricultural purpose. In view of the judgment of the Apex Court in the cases of (1) **Digamber and ors. Vs. State of Maharashtra and ors. [AIR 2013 SC 3532]** and (2) **Ali Mohammad Beigh and others Vs. State of Jammu and Kashmir [(2017) 4 SCC 717]**, the amount of compensation of Rs. 2,00,000/- per hectare granted by the reference Court as like the compensation granted to the land of Village Bhoyar is perfectly legal and correct. Hence, First Appeal Nos. 7/2011, 860/2011 and 979/2012 are hereby dismissed with no order as to costs.”*

7. The aforesaid observation and findings given by the Court are crystal clear and Court has observed that the compensation awarded by the Reference Court was perfectly legal and correct.

8. In that view of the matter, I do not find any merit in the appeal. The appeal is dismissed, accordingly.

(RAJNISH R. VYAS, J.)