



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

**FIRST APPEAL NO. 454 OF 2005**

Vidarbha Irrigation Development  
Corporation, through Executive  
Engineer, Minor Irrigation Project  
Division, Pusad, District Yeotmal

..... Appellant

.....Vs.....

1. Madhukar Natthuji Gole : (Dead)

1(i) Pramod Madhukar Gole (Son),  
Aged about 58 years, R/o. Pathard (Gole),  
Tah. Ner, District Yeotmal.

1(ii) Mukund Madhukar Gole (Son),  
Aged about 55 years, R/o. Bhidi,  
Tah. Deoli, District Wardha.

1(iii) Keshav Madhukar Gole (Son),  
Aged about 53 years, R/o. Bhidi,  
Tah. Deoli, District Wardha.

1(iv) Shobhabai Vithalrao Thakare (Daughter),  
Aged major, R/o. Anjanvati,  
Tah. Dhamangaon, District Amravati.

2. The State of Maharashtra  
through Collector, Yeotmal.

3. The Special Land Acquisition Officer,  
Minor Irrigation Department No.1,  
Yeotmal.

..... Respondents

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Shri A.B. Patil, Advocate for the appellant.

None present for the respondents

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**CORAM : M. G. GIRATKAR, J.**

**Date : 26/09/2019**

**ORAL JUDGMENT**

1. This is an appeal under Section 54 of Land Acquisition Act against the judgment of Reference Court in LAC No. 2153/2004.

The facts giving rise to the present appeal can be summarized as under :

The land of respondent no.1 Gat No.155 area 2 hectares 21 R out of which 1 hectare 70 R was required for Ner Project. Notification under section 4 was published on 2<sup>nd</sup> March 1995. The award was passed on 31<sup>st</sup> January 1998. Land Acquisition Officer granted compensation at the rate of 28,000/- per hectare. The respondent no.1 challenged the award before the Reference court and claimed compensation of Rs. 5,00,000/- per hectare. The Reference Court has partly allowed Reference and granted compensation at the rate of 1,50,000/- for acquired land of 1 hectare 07 R (wrongly typed as "007 instead of 70). Hence, the present appeal.

2. Heard Shri A.B. Patil for the appellant and Advocate Shri Deshpande Advocate for respondent no.1 and AGP Miss Prabhu for respondent no.2 and 3. Learned Advocate Shri Deshpande has pointed

out decision of this court in First Appeal No. 470/2005, 464/2005 and 1000/2007. In all these appeals, the lands in question were situated at village Pathard i.e. village of respondent no.1. The land of respondent no.1 situated in Pathard was acquired for the same project. Therefore respondent no.1 is entitled for compensation as per the judgment of this court in the above said appeals.

3. Respondent no.1 is entitled for compensation awarded by the Reference court. He is also entitled for the compensation for the trees granted by the Reference court. In view of the judgment of this court in above said appeals, the appeal is without any merit. Hence, dismissed with cost. It appears that the Reference court has committed mistake while typing the area of land. Instead of 1 hecter 70 R it is typed in that judgment 1 hecter 07 R. Therefore mistake be corrected. The respondent no.1 is entitled for compensation of acquired land of Gat no. 155 area 1 hecter 70 R land.

**JUDGE**