

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE VIVEK RUSIA

FIRST APPEAL No. 703 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)
2. STATE OF MP THR. COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

1. PIYUSH S/O DAMODAR PUROHIT, AGED ABOUT 43 YEARS,
OCCUPATION: BUSINESS BARWANI (MADHYA PRADESH)
2. SUSHIL S/O LAXMINARAYAN, AGED ABOUT 49 YEARS,
OCCUPATION: BUSINESS DAHI TEH. KUCHHI, DIST. DHAR
(MADHYA PRADESH)

.....RESPONDENTS

**(SHRI BHARAT ASHOK CHITALE, LEARNED COUNSEL FOR THE
RESPONDENTS.)**

FIRST APPEAL No. 660 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)
2. STATE OF MP THR. COLLECTOR BARWANI (MADHYA PRADESH)
EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
3. NARMADA DEVELOPMENT DIV. NO. 11. BARWANI (MADHYA
PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

**GOKUL S/O JHAPDUSA, AGED ABOUT 81 YEARS, OCCUPATION:
AGRICULTURE 208, M.G. ROAD, BARWANI , TEHSIL AND DISTRICT
BARWANI (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE
RESPONDENTS.)**

FIRST APPEAL No. 661 of 2020

BETWEEN:-

- 1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BADWANI (MADHYA PRADESH)**
- 2. STATE OF M.P. THR COLLECTOR BARWANI (MADHYA PRADESH)**
- 3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BADWANI (MADHYA PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

**BHAGWAN S/O NAINA, AGED ABOUT 71 YEARS, OCCUPATION:
AGRICULTURE SIRVI MOHALLA BADWANI (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI ASHOK KUMAR SURAJMAL GARG, LEARNED SENIOR
ADVOCATE WITH SHRI PANKAJ KUMAR SOHANI, ADVOCATE FOR
THE RESPONDENT/S.)**

FIRST APPEAL No. 662 of 2020

BETWEEN:-

- 1. INDIRA SAGAR CANAL PROJECT (CANAL) LAND ACQUISITION
OFFICER BADWAANI (MADHYA PRADESH)**
- 2. STATE OF M.P. THR COLLECTOR BARWANI (MADHYA PRADESH)**
- 3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BADWANI (MADHYA PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

**DEVRAM S/O LAXMANRAO, AGED ABOUT 76 YEARS, OCCUPATION:
AGRICULTURE 5 RANJEET MARG, BADWANI (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE
RESPONDENTS.)**

FIRST APPEAL No. 663 of 2020

BETWEEN:-

- 1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BADWANI (MADHYA PRADESH)**
- 2. STATE OF MP THR COLLECTOR BARWANI (MADHYA PRADESH)**
- 3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

- 1. SABEERA BI W/O AKEEL (DEAD) THROUGH LR NO. 1 NAJNEEN BI
W/O ASLAM, AGED ABOUT 40 YEARS, OCCUPATION:
AGRICULTURE SIRVI MOHALLA, BADWANI (MADHYA PRADESH)**

- 2. SABEERA BI W/O AKEEL (DEAD) THROUGH LRS MOBIN MINOR
THR GUARDIAN MOTHER NAJNEEN BI W/O ASLAM, AGED
ABOUT 40 YEARS, OCCUPATION: AGRICULTURE SIRVI MOHALLA
BARWANI (MADHYA PRADESH)**

- 3. SABEERA BI W/O AKEEL (DEAD) THROUGH LRS ANAS MINOR
THR GUARDIAN MOTHER NAJNEEN BI W/O ASLAM SIRVI
MOHALLA BARWANI (MADHYA PRADESH)**

- 4. SABEERA BI W/O AKEEL (DEAD) THROUGH LRS MOINUDDIN
MINOR THR GUARDIAN MOTHER NAJNEEN BI W/O ASLAM
MINOR SIRVI MOHALLA BARWANI (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE
RESPONDENTS.)**

FIRST APPEAL No. 665 of 2020

BETWEEN:-

1. **INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BADWANI (MADHYA PRADESH)**
2. **STATE OF MP. TRH. COLLECTOR BARWANI (MADHYA PRADESH)
EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11**
3. **NARMADA DEVELOPMENT DIV. NO. 11. DIST. BARWANI. (MADHYA
PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

**VIKAS S/O KAILASH, AGED ABOUT 27 YEARS, OCCUPATION:
AGRICULTURE SIRVI MOHALLA BADWANI (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI ASHOK KUMAR SURAJMAL GARG, LEARNED SENIOR
ADVOCATE WITH SHRI PANKAJ KUMAR SOHANI, ADVOCATE FOR
THE RESPONDENT/S.)**

FIRST APPEAL No. 666 of 2020

BETWEEN:-

1. **INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BADWANI (MADHYA PRADESH)**
2. **STATE OF M.P. THR COLLECTOR BARWANI (MADHYA PRADESH)
EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV NO. 11**
3. **BARWANI (MADHYA PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

1. **NAAJNEEN BI W/O ASLAM, AGED ABOUT 40 YEARS,
OCCUPATION: AGRICULTURE MIRCHI MOHALLA, BADWANI
(MADHYA PRADESH)**
2. **MOBIN MINOR THR GUARDIAN MOTHER NAAJNEEN BI W/O
ASLAM MIRCHI MOHALLA, BARWANI (MADHYA PRADESH)**
3. **ANAS MINOR THR GUARDIAN MOTHER NAAJNEEN BI W/O
ASLAM MIRCHI MOHALLA, BARWANI (MADHYA PRADESH)**
4. **MOINUDDIN MINOR THR GUARDIAN MOTHER NAAJNEEN BI
W/O ASLAM MIRCHI MOHALLA, BARWANI (MADHYA PRADESH)**
5. **SABEERA BI W/O AKEEL (DEAD) THR LRS NAAJNEEN BI W/O
ASLAM, AGED ABOUT 40 YEARS, OCCUPATION: AGRICULTURE**

MIRCHI MOHALLA, BARWANI (MADHYA PRADESH)

**SABEERA BI W/O AKEEL (DEAD) THR LRS MOBIN MINOR THR
6. GUARDIAN MOTHER NAAJNEEN BI W/O ASLAM MIRCHI
MOHALLA, BARWANI (MADHYA PRADESH)**

**SABEERA BI W/O AKEEL (DEAD) THR LRS ANAS MINOR THR
7. GUARDIAN MOTHER NAAJNEEN BI W/O ASLAM MIRCHI
MOHALLA, BARWANI (MADHYA PRADESH)**

**SABEERA BI W/O AKEEL (DEAD) THR LRS MOINUDDIN MINOR
8. THR GUARDIAN MOTHER NAAJNEEN BI W/O ASLAM MIRCHI
MOHALLA, BARWANI (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE
RESPONDENTS.)**

FIRST APPEAL No. 667 of 2020

BETWEEN:-

- 1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BADWANI (MADHYA PRADESH)**
- 2. STATE OF M.P. THR. COLLECTOR BARWANI (MADHYA PRADESH)
EXECUTIVE ENGINEER NARMADA DEVELOPMENT. DIV. NO. 11**
- 3. NARMADA DEVELOPMENT. DIV. NO. 11. BARWANI (MADHYA
PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

**NAAJNEEN BI W/O ASLAM, AGED ABOUT 40 YEARS,
1. OCCUPATION: AGRICULTURE MIRCHI MOHALLA, BADWANI
(MADHYA PRADESH)**

**MOBIN S/O ASLAM MINR THR. NATURAL GUARDIAN JAAJNEEN
2. BI W/O ASLAM OCCUPATION: AGRICULTURE BARWANI TEH. AND
DIST. BARWANI (MADHYA PRADESH)**

**ANAS S/O ASLAM MINR THR. NATURAL GUARDIAN JAAJNEEN BI
3. W/O ASLAM OCCUPATION: AGRICULTURE BARWANI TEH. AND
DIST. BARWANI (MADHYA PRADESH)**

**MOINUDDIN S/O ASLAM MINOR THR. NATURAL GUARDIAN
MOTHER NAAJNEEN BI W/O ASLAM OCCUPATION:
4. AGRICULTURE BARWANI TEH. AND DIST. BARWANI (MADHYA
PRADESH)**

.....RESPONDENTS

(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE RESPONDENTS.)

FIRST APPEAL No. 668 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BADWANI (MADHYA PRADESH)
2. STATE OF MP. THR. COLLECTOR BARWANI (MADHYA PRADESH)
EXECUTIVE ENGINEER NARMADA DEVELOPMENT. DIV. NO. 11
3. NARMADA DEVELOPMENT. DIV. NO. 11. BARWANI (MADHYA
PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

1. RAJENDRA S/O GOVIND, AGED ABOUT 53 YEARS, OCCUPATION:
AGRICULTURE SIRVI MOHALLA BADWANI (MADHYA PRADESH)
SHANTA BAI W/O GOVIND, AGED ABOUT 69 YEARS,
2. OCCUPATION: AGRICULTURE SIRVI MOHALLA, BARWANI
(MADHYA PRADESH)

.....RESPONDENTS

*(SHRI ASHOK KUMAR SURAJMAL GARG, LEARNED SENIOR
ADVOCATE WITH SHRI PANKAJ KUMAR SOHANI, ADVOCATE FOR
THE RESPONDENT/S.)*

FIRST APPEAL No. 669 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BADWANI (MADHYA PRADESH)
2. STATE OF M.P. THR. COLLECTOR BARWANI (MADHYA PRADESH)
EXECUTIVE ENGINEER NARMADA DEVELOPMENT. DIV. NO. 11
3. NARMADA DEVELOPMENT. DIV. NO. 11. BARWANI (MADHYA
PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

**HARISH S/O KAILASH, AGED ABOUT 29 YEARS, OCCUPATION:
AGRICULTURE SIRVI MOHALLA BADWANI (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI ASHOK KUMAR SURAJMAL GARG, LEARNED SENIOR
ADVOCATE WITH SHRI PANKAJ KUMAR SOHANI, ADVOCATE FOR
THE RESPONDENT/S.)**

FIRST APPEAL No. 670 of 2020

BETWEEN:-

- 1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BADWANI (MADHYA PRADESH)**
- 2. STATE OF M.P. THR COLLECTOR BARWANI (MADHYA PRADESH)**
- 3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

- 1. NARAYAN S/O AMRA, AGED ABOUT 52 YEARS, OCCUPATION:
AGRICULTURE SIRVI MOHALLA BADWANI (MADHYA PRADESH)**
- 2. BABULAL S/O AMRA, AGED ABOUT 51 YEARS, OCCUPATION:
AGRICULTURE SIRVI MOHALLA BARWANI (MADHYA PRADESH)**
- 3. TEJUBAI W/O AMRA, AGED ABOUT 85 YEARS, OCCUPATION:
AGRICULTURE SIRVI MOHALLA BARWANI (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI BHARAT ASHOK CHITALE, LEARNED COUNSEL FOR THE
RESPONDENTS.)**

FIRST APPEAL No. 671 of 2020

BETWEEN:-

- 1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BADWANI (MADHYA PRADESH)**
- 2. STATE OF M.P. THR COLLECTOR BARWANI (MADHYA PRADESH)**
- 3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIVISION
NO. 11 BARWANI (MADHYA PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

**DUDA S/O NAINA, AGED ABOUT 73 YEARS, OCCUPATION:
AGRICULTURE SIRVI MOHALLA BADWANI (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI ASHOK KUMAR SURAJMAL GARG, LEARNED SENIOR
ADVOCATE WITH SHRI PANKAJ KUMAR SOHANI, ADVOCATE FOR
THE RESPONDENT/S.)**

FIRST APPEAL No. 672 of 2020

BETWEEN:-

- 1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BADWANI (MADHYA PRADESH)**
- 2. STATE OF M.P. THR COLLECTOR BARWANI (MADHYA PRADESH)**
- 3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

**AAYUSH S/O VASUDEV MUKATI, AGED ABOUT 24 YEARS,
OCCUPATION: AGRICULTURE BADWANI (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI MANOJ MUNSHI, LEARNED COUNSEL FOR THE RESPONDENT.)

FIRST APPEAL No. 673 of 2020

BETWEEN:-

- 1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BADWANI (MADHYA PRADESH)**
- 2. STATE OF M.P. THR COLLECTOR BARWANI (MADHYA PRADESH)**
- 3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

SANTOSH S/O BADRI, AGED ABOUT 36 YEARS, OCCUPATION:

AGRICULTURE SIRVI MOHALLA BADWANI (MADHYA PRADESH)

.....RESPONDENTS

(SHRI BHARAT ASHOK CHITALE, LEARNED COUNSEL FOR THE RESPONDENTS.)

FIRST APPEAL No. 675 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BADWANI (MADHYA PRADESH)
2. STATE OF M.P. THR COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

BAALI BAI W/O BADRI, AGED ABOUT 56 YEARS, OCCUPATION:
AGRICULTURE SIRVI MOHALLA BADWANI (MADHYA PRADESH)

.....RESPONDENTS

(SHRI BHARAT ASHOK CHITALE, LEARNED COUNSEL FOR THE RESPONDENTS.)

FIRST APPEAL No. 676 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BADWANI (MADHYA PRADESH)
2. STATE OF M.P. THR COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

RAHUL S/O BHAGWAN, AGED ABOUT 25 YEARS, OCCUPATION:
1. AGRICULTURE SIRVI MOHALLA, PETLAWAD (MADHYA PRADESH)

2. RAVI S/O BHAGWAN, AGED ABOUT 20 YEARS, OCCUPATION:

- AGRICULTURE SIRVI MOHALLA BARWANI (MADHYA PRADESH)
3. MAMTA D/O BHAGWAN, AGED ABOUT 27 YEARS, OCCUPATION:
AGRICULTURE SIRVI MOHALLA BARWANI (MADHYA PRADESH)
 4. LAXMI W/O BHAGWAN, AGED ABOUT 45 YEARS, OCCUPATION:
AGRICULTURE SIRVI MOHALLA BARWANI (MADHYA PRADESH)

.....RESPONDENTS

(SHRI BHARAT ASHOK CHITALE, LEARNED COUNSEL FOR THE RESPONDENTS.)

FIRST APPEAL No. 678 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)
2. STATE OF M.P. THR COLLECTOR COLLECTOR BARWANI
(MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO.11
BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

- POONAM CHAND S/O VEDIYA (DEAD) THROUGH L.R. NO. 1
1. BASANT S/O POONAM CHAND, AGED ABOUT 54 YEARS,
OCCUPATION: AGRICULTURE ANAND NAGAR, BADWANI TEHSIL
AND DISTRICT BADWANI (MADHYA PRADESH)

- POONAM CHAND S/O VEDIYA (DEAD) THROUGH LRS GIRDHARI
2. S/O POONAM CHAND, AGED ABOUT 47 YEARS, OCCUPATION:
AGRICULTURE ANAND NAGAR, BADWANI (MADHYA PRADESH)

- POONAM CHAND S/O VEDIYA (DEAD) THROUGH LRS SAVITRI BAI
3. W/O POONAM CHAND, AGED ABOUT 71 YEARS, ANAND NAGAR,
BADWANI TEHSIL AND DISTRICT BADWANI (MADHYA PRADESH)

.....RESPONDENTS

(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE RESPONDENTS.)

FIRST APPEAL No. 679 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER

- BARWANI (MADHYA PRADESH)
2. STATE OF M.P. THR COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV.NO. 11
BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

RUKMANI W/O RAJARAM, AGED ABOUT 58 YEARS, OCCUPATION:
AGRICULTURE 2/3 RANJEET MARG, RANIPURA WARD NO. 21
BARWANI TEH. AND DISTRICT BARWANI (MADHYA PRADESH)

.....RESPONDENTS

*(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE
RESPONDENTS.)*

FIRST APPEAL No. 680 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)
2. STATE OF M.P. THR COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

RAJU S/O PANA, AGED ABOUT 37 YEARS, OCCUPATION:
AGRICULTURE SEGAON, WARD NO. 10 BARWANI TEH. AND
DISTRICT BARWANI (MADHYA PRADESH)

.....RESPONDENTS

*(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE
RESPONDENTS.)*

FIRST APPEAL No. 681 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)

2. STATE OF MP THR COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

YASH S/O MAHESH, AGED ABOUT 25 YEARS, OCCUPATION:
UMEMPLOYED JAWAHAR MARG, BADWANI TEHSIL AND DISTRICT
BADWANI (MADHYA PRADESH)

.....RESPONDENTS

*(SHRI VINAY KUMAR ZELAWAT, LEARNED SENIOR ADVOCATE WITH
SHRI AASHAY DUBEY, LEARNED COUNSEL FOR THE RESPONDENTS.)*

FIRST APPEAL No. 682 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)
2. STATE OF M.P. THR COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIVISION
NO. 11 BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

GOPILAL S/O UDIYA, AGED ABOUT 53 YEARS, OCCUPATION:
AGRICULTURE NAVALPURA, NEAR CHURCH BADWANI TEHSIL AND
DISTRICT BADWANI (MADHYA PRADESH)

.....RESPONDENTS

*(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE
RESPONDENTS.)*

FIRST APPEAL No. 683 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)
2. STATE OF MP THR COLLECTOR BARWANI (MADHYA PRADESH)

3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

JAYA W/O AJAY PATIDAR, AGED ABOUT 37 YEARS, OCCUPATION:
HOUSEWIFE 7, BRAJ VIHAR COLONY, NAVALPURA BARWANI TEH.
AND DISTRICT BARWANI (MADHYA PRADESH)

.....RESPONDENTS

*(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE
RESPONDENTS.)*

FIRST APPEAL No. 686 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)
2. STATE OF M.P THR COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

GOVIND S/O POMDIYA, AGED ABOUT 71 YEARS, OCCUPATION:
AGRICULTURE BHILAT MARG, NAVALPURA BARWANI TEH. AND
DISTRICT BARWANI (MADHYA PRADESH)

.....RESPONDENTS

(NONE FOR THE RESPONDENT.)

FIRST APPEAL No. 690 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)
2. STATE OF MP. THR. COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11.
BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

SIRVATI BAI W/O PREM SINGH PATEL, AGED ABOUT 56 YEARS,
OCCUPATION: AGRICULTURE SUSTI KHEDA, (MADHYA PRADESH)

.....RESPONDENTS

*(SHRI BHARAT ASHOK CHITALE, LEARNED COUNSEL FOR THE
RESPONDENTS.)*

FIRST APPEAL No. 691 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
THROUGH P.S.-BARWANI (MADHYA PRADESH)
2. STATE OF MP THR. COLLECOTR. BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

SEHDEV S/O MANGILAL OCCUPATION: AGRICULTURE GRAM
KUNDIYA , POST PIPLAAJ BADWANI TEHSIL BADWANI (MADHYA
PRADESH)

.....RESPONDENTS

*(SHRI MANOJ MUNSHI, LEARNED COUNSEL FOR THE
RESPONDENTS.)*

FIRST APPEAL No. 692 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)
2. STATE OF M.P. THR. COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

1. HUKUM CHAND S/O BHURELA, AGED ABOUT 44 YEARS, OCCUPATION: AGRICULTURE 46 GALI NO. 2 SUBASH MARG RANIPURA WARD NO. 18 BADWANI TEHSIL AND DISTRICT BADWANI (MADHYA PRADESH)

2. JAGDISH S/O BHURELAL, AGED ABOUT 38 YEARS, OCCUPATION: AGRICULTURE 46 GALI NO. 2 SUBASH MARG RANIPURA WARD NO. 18 BADWANI TEHSIL AND DISTRICT BADWANI (MADHYA PRADESH)

3. DHANU BAI D/O BHURELAL, AGED ABOUT 42 YEARS, OCCUPATION: AGRICULTURE 46 GALI NO. 2 SUBASH MARG RANIPURA WARD NO. 18 BADWANI TEHSIL AND DISTRICT BADWANI (MADHYA PRADESH)

4. LATA D/O BHURELAL, AGED ABOUT 40 YEARS, OCCUPATION: AGRICULTURE 46 GALI NO. 2 SUBASH MARG RANIPURA WARD NO. 18 BADWANI TEHSIL AND DISTRICT BADWANI (MADHYA PRADESH)

5. PRABHA BAI D/O BHURELAL, AGED ABOUT 64 YEARS, OCCUPATION: AGRICULTURE 46 GALI NO. 2 SUBASH MARG RANIPURA WARD NO. 18 BADWANI TEHSIL AND DISTRICT BADWANI (MADHYA PRADESH)

.....RESPONDENTS

(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE RESPONDENTS.)

FIRST APPEAL No. 693 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER THROUGH P.S.-BARWANI (MADHYA PRADESH)
2. THROUGH COLLECTOR COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NAMADA DEVELOPMENT DIV. NO. 11 BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

DUDA S/O MULA, AGED ABOUT 71 YEARS, OCCUPATION: AGRICULTURE SEGAON, WARD NO. 10 BARWANI TEH. BARWANI

(MADHYA PRADESH)

.....RESPONDENTS

(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE RESPONDENTS.)

FIRST APPEAL No. 695 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER BARWANI (MADHYA PRADESH)
2. THROUGH COLLECTOR COLLECTOR BARWANI. (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NAMADA DEVELOPMENT DIV. NO.11 BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

1. HARISHANKAR S/O PROMDIYA (DEAD) THROUGH LRS. SITARAM S/O HARISHANKAR, AGED ABOUT 56 YEARS, NAVALPURA, BARWANI (MADHYA PRADESH)

2. HARISHANKAR S/O POMDIYA (DEAD) THROUGH LRS. SAGAR BAI W/O LATE HARISHANKAR, AGED ABOUT 76 YEARS, NAVALPURA BARWANI TEH. AND DIST. BARWANI (MADHYA PRADESH)

.....RESPONDENTS

(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE RESPONDENTS.)

FIRST APPEAL No. 696 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER BARWANI (MADHYA PRADESH)
2. STATE OF M.P. THR. COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11 BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

**BABULAL S/O RUKHDUJI OCCUPATION: AGRICULTURE SEGAON,
NAGAR PALIKA WARD NO. 10 BARWANI (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE
RESPONDENTS.)**

FIRST APPEAL No. 697 of 2020

BETWEEN:-

- 1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)**
- 2. STATE OF M.P. THR. COLLECTOR BARWANI (MADHYA PRADESH)**
- 3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

**SHANKAR S/O DEEPAJI, AGED ABOUT 49 YEARS, OCCUPATION:
AGRICULTURE SEGAON, NAGAR PALIKA WARD NO. 10 BARWANI
TEHSIL BARWANI (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE
RESPONDENTS.)**

FIRST APPEAL No. 698 of 2020

BETWEEN:-

- 1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)**
- 2. STATE OF M.P. THR. COLLECTOR BARWANI (MADHYA PRADESH)**
- 3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

SAMEENA W/O ABUTURAO, AGED ABOUT 45 YEARS,
1. OCCUPATION: TEACHING 198, SUBHASH MARG, WARD NO. 20
BARWANI TEHSIL (MADHYA PRADESH)

MUSTAFA S/O ABUTURAO SABEER, AGED ABOUT 24 YEARS,
2. OCCUPATION: BUSINESS 198, SUBHASH MARG, WARD NO. 20
BARWANI (MADHYA PRADESH)

RASHIDA D/O ABUTURAO SABEER, AGED ABOUT 28 YEARS,
3. OCCUPATION: HOUSEMAKER 198, SUBHASH MARG, WARD NO. 20
BARWANI (MADHYA PRADESH)

.....RESPONDENTS

*(SHRI ASHOK KUMAR SURAJMAL GARG, LEARNED SENIOR
ADVOCATE WITH SHRI PANKAJ KUMAR SOHANI, ADVOCATE FOR
THE RESPONDENT/S.)*

FIRST APPEAL No. 699 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)
2. STATE OF M.P. THR. COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11
BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

JITENDRA S/O PANA, AGED ABOUT 33 YEARS, OCCUPATION:
AGRICULTURE SEGAON, WARD NO. 10 BARWANI TEHSIL (MADHYA
PRADESH)

.....RESPONDENTS

*(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE
RESPONDENTS.)*

FIRST APPEAL No. 700 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)
2. STATE OF THR. COLLECTOR BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

**SUDAMA S/O MANGILAL, AGED ABOUT 57 YEARS, OCCUPATION:
AGRICULTURE GRAM KUNDIYA, POST PIPLAAJ BARWANI TEHSIL
(MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI MANOJ MUNSHI, LEARNED COUNSEL FOR THE
RESPONDENTS.)**

FIRST APPEAL No. 701 of 2020

BETWEEN:-

- 1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)**
- 2. STATE OF M.P. THR. COLLECTOR BARWANI (MADHYA PRADESH)**
- 3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO.11
BARWANI (MADHYA PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

**SEHDEV S/O MANGILAL, AGED ABOUT 59 YEARS, OCCUPATION:
1. AGRICULTURE GRAM KUNDIYA, POST PIPLAAJ BADWANI
TEHSIL (MADHYA PRADESH)**

**SUDAMA S/O MANGILAL, AGED ABOUT 57 YEARS, OCCUPATION:
2. AGRICULTURE GRAM KUNIDYA POST PIPLAAJ BARWANI
(MADHYA PRADESH)**

**SATYANARAYAN S/O MANGILAL, AGED ABOUT 49 YEARS,
3. OCCUPATION: AGRICULTURE GRAM KUNIDUYA POST PIPLAAJ
BARWANI (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI MANOJ MUNSHI, LEARNED COUNSEL FOR THE
RESPONDENTS.)**

FIRST APPEAL No. 702 of 2020

BETWEEN:-

- 1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)**

2. STATE OF M.P. THR. COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11 BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

- RIYAJUDDIN S/O LT. SIRAJJUDDIN, AGED ABOUT 54 YEARS,
1. OCCUPATION: AGRICULTURE DEVI SINGH MARG, MIRCHI MOHALLA BADWANI TEHSIL (MADHYA PRADESH)

- AKIMUDIN S/O LT. SIRAJJUDDIN, AGED ABOUT 49 YEARS,
2. OCCUPATION: GOVT. SERVICE DEVI SINGH MARG. MIRCHI MOHALLA BADWANI (MADHYA PRADESH)

- NAJMUDDIN S/O LT. SIRAJJUDDIN, AGED ABOUT 43 YEARS,
3. OCCUPATION: AGRICULTURE DEVI SINGH MARG. MIRCHI MOHALLA BADWANI (MADHYA PRADESH)

- SAIFUDDIN S/O SIRAJJUDDIN, AGED ABOUT 39 YEARS,
4. OCCUPATION: AGRICULTURE DEVI SINGH MARG. MIRCHI MOHALLA BADWANI (MADHYA PRADESH)

.....RESPONDENTS

(SHRI PRATYUSH MISHRA, LEARNED COUNSEL FOR THE RESPONDENTS.)

FIRST APPEAL No. 704 of 2020

BETWEEN:-

1. INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER BARWANI (MADHYA PRADESH)
2. STATE OF M.P. THR. COLLECTOR BARWANI (MADHYA PRADESH)
3. EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO. 11. BARWANI (MADHYA PRADESH)

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

- KAMLESH S/O YASHWANT, AGED ABOUT 44 YEARS, OCCUPATION: AGRICULTURE NORTH AVENUE COLONY, BARWANI TEHSIL (MADHYA PRADESH)

.....RESPONDENTS

(SHRI VINAY KUMAR ZELAWAT, LEARNED SENIOR ADVOCATE WITH

SHRI AASHAY DUBEY, ADVOCATE FOR THE RESPONDENTS.)

FIRST APPEAL No. 705 of 2020

BETWEEN:-

1. **INDIRA SAGAR PROJECT (CANAL) LAND ACQUISITION OFFICER
BARWANI (MADHYA PRADESH)**
2. **STATE OF M.P. THR. COLLECTOR BARWANI (MADHYA PRADESH)**
3. **EXECUTIVE ENGINEER NARMADA DEVELOPMENT DIV. NO.
BARWANI (MADHYA PRADESH)**

.....APPELLANT

(SHRI VIVEK PATWA, LEARNED COUNSEL FOR THE APPELLANTS.)

AND

**SATYANARAYAN S/O MANGILAL, AGED ABOUT 49 YEARS,
OCCUPATION: AGRICULTURE GRAM KUNDIYA, POST PIPLAAJ
BARWANI TEHSIL (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI MANOJ MUNSHI, LEARNED COUNSEL FOR THE
RESPONDENTS.)**

Reserved for judgment on : 14.03.2023.

Pronounced on : 17.04.2023.

These appeals having been heard and reserved for judgment, coming on for pronouncement this day, this Court pronounced the following :

JUDGMENT

As the controversy involved in all the aforesaid appeals is identical, therefore, all the appeals are being decided by this common judgment. For the sake of convenience, facts narrated in F.A. No.703/2020 are being taken into consideration. All the aforesaid appeals arise out of the award passed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation

and Resettlement Act, 2013 (hereinafter referred to as “the Act of 2013” for short) in respect of the acquisition of agricultural lands of various land owners for construction of the canal under “Indira Sagar Nahar Project”.

The facts of the case, in short, are as under :

1- The appellants issued Notification u/s. 11 of the Act on 3.9.2017 for the acquisition of land under the “Indira Sagar Nahar Project”. Thereafter, final Notification u/s. 19 was published on 17.11.2017. Notices u/s. 21(4) of the Act was issued to the land owners by way of publication in the newspapers. The land owners submitted their objection in writing and after hearing the appellants and the land owners, learned Sub Divisional Officer / Land Acquisition Officer passed the award dated 31.8.2018 . The information of the above award was given to the land owners on 10.9.2018. Thereafter, the land owners received the amount of compensation under protest and sought enhancement of compensation by submitting reference cases before the District Court. In the case of the respondents, the Land Acquisition Officer has awarded the compensation of Rs.58,46,737/- u/s. 37 of the Act of 2013.

2- The respondent submitted the statement of claim with documentary evidence to seek enhancement of the amount of compensation on the ground that his acquired land has an area 0.310 Hect. is situated hardly 500 mtrs. away from the Bypass of the Khandwa-Baroda Highway which connects the newly notified National Highway. The front portion of his land has been acquired, therefore, he is entitled to compensation @ Rs.1,15,00,000/- per Hect. It was further submitted that the acquired land is situated in Vill. Segaon which is an

urban area of District Barwani, hence the land is having potential value for residential and commercial use. In the award, the guidelines of the years 2017 and 2018 framed for residential, as well as commercial properties, have not been followed properly, hence the land owner is entitled to enhancement of the amount of compensation. The appellants submitted an objection in the reference case by submitting that a just and proper amount of compensation has been awarded by the Land Acquisition Officer under the provisions of Sections 11, 19, 20, 21, 21(4) and 26 of the Act of 2013 and there is no scope for further enhancement.

3- On the basis of pleadings, the learned Reference Court framed six issues for adjudication. The land owner examined himself as P.W.1 and got exhibited 26 documents as Exh. P/1 to 26, out of which, Exh. P/17 to P/25 are the sale deeds of the relevant years to be used as an exemplar. The respondent, the land owner also examined Ravikant Chouhan (P.W.2), the then Patwari; Neha Chouhan (P.W.3), Manager of District Industries Center, Barwani; Narayansingh Nargave (P.W.4), Assistant Grade-3 in the Office of Land Acquisition and Rehabilitation Officer, Indira Sagar Nahar Project, Barwani; Sunil John Minz (P.W.5), Assistant Director in the Office of Town & Country Planning Department, Khargone-Barwani; and Akash Chowkse (P.W.6), Dy. Manager in the office of National Highway Authority, Indore. In rebuttal, the appellants did not examine any witnesses and also not filed any documentary evidence. After appreciating the evidence that came on record, learned Reference Court has recorded the findings as under :

(i) The land under acquisition is adjacent to Khandwa-Baroda State

Highway which is near National Highway 347B and;

(ii) the land in question has been included in the Barwani Development Project w.e.f. 17.12.2004;

(iii) the land acquired is reserved for the construction of 36 mtr. Wide road in a residential area as per the master plan of the town;

(iv) Near the acquired land, other lands have been developed for residential and industrial purposes like marriage-garden, market, industrial areas, residential colonies, show-rooms, etc.

In view of the above, the learned court has treated the acquisition of land as having high potential value for residential and commercial purposes. The learned Reference Court has examined 9 sale deeds, out of which, 3 sale deeds dated 27.7.2017 and 28.7.2017 (Exh. P/20, P/22 & P/24) have been taken as exemplars and on the basis of the market value of the same, the value of the acquired land has been treated Rs.13,00,00,000/-. By relying on the judgment of the apex Court in the case of *Kantadevi V/s. State of Haryana: 2008 INSC 1056*, learned Reference Court has deducted 70% towards development charges from the above value of the land. As the sale deeds taken as exemplars are for a small area and the area of the respondent/land owner is large, therefore, the learned Reference Court has further applied the deduction of 45% and assessed the value of the land owner at Rs.2,14,50,000/- per Hect. as just and proper compensation.

4- In order to cross-check the amount of compensation, the learned Reference Court has applied another method of assessment of compensation i.e. on the basis of guidelines of the year 2017-2018 and according to which, 13,000 Sq.ft. has been taken into consideration for awarding the compensation and according to which also, the value of

the land of the respondent/land owner comes to Rs.2,14,50,000/-. Accordingly, the compensation payable to the respondent has been assessed at Rs.66,49,500/-. The benefit of 100% soletium has also been given with interest @ 12% u/s. 11 from the date of final Notification till the passing of the award. Apart from the above, compensation for the pipeline trees has also been given in favour of the respondent. Learned Reference court vide award has calculated the total compensation payable to all land owners at the rate of Rs.1,1,30,889/- per hectare. The details of compensation awarded to the land owners in others' appeals are as under :

कस्बा बडवानी

Sr. No	First Appeal No.	Parties	District Court Case No.	अधिग्रहित भूमि का सर्वे न. एवं अधिग्रहित रकबा	क्लेक्टर द्वारा प्रदान की गई मुआवजा राशि। (मूल अवार्ड राशि)	जिला न्यायालय द्वारा बढ़ाई गई मुआवजा राशि।	
1	665/2020	LAO ISP V/s Vikash	EXLA/27/2019	266/2, 267/3/1	0.0346 हेक्टेयर	64,98,575	64,33,994
2	669/2020	LAO ISP V/s Harish	EXLA/30/2019	267/3/2	0.068 हेक्टेयर	12,58,405	12,64,484
3	661/2020	LAO ISP V/s Bhagwan	EXLA/29/2019	69, 70, 71, 72	0.226 हेक्टेयर	41,08,991	42,02,551
4	668/2020	LAO ISP V/s Rajendra	EXLA/37/2019	27/7, 27/8	0.170 हेक्टेयर	32,40,384	31,61,211
5	671/2020	LAO ISP V/s Dudha	EXLA/35/2019	75	0.206 हेक्टेयर	40,06,760	38,30,644
6	673/2020	LAO ISP V/s Santosh	EXLA/28/2019	88/1	0.117 हेक्टेयर	21,05,085	21,75,657
7	674/2020	LAO ISP V/s Shankar	EXLA/40/2019	87/1, 87/4	0.117 हेक्टेयर	23,01,477	21,75,657
8	675/2020	LAO ISP V/s Bali Bai	EXLA/41/2019	88/3, 8/2	0.250 हेक्टेयर	45,58,979	46,48,840
9	662/2020	LAO ISP V/s Devram	EXLA/31/2019	12/1	0.242 हेक्टेयर	43,55,094	45,00,076
10	667/2020	LAO ISP V/s Najneen	EXLA/32/2019	7/5, 7/6	0.140 हेक्टेयर	25,29,903	26,03,350
11	666/2020	LAO ISP V/s Najneen	EXLA/23/2019	9/2, 9/3 9/4 , 9/5	0.358 हेक्टेयर	65,24,991	66,57,138
12	663/2020	LAO ISP V/s Sabeera	EXLA/38/2019	7/1	0.315 हेक्टेयर	56,68,732	58,57,538

13	670/2020	LAO ISP V/s Narayan	EXLA/33/2019	16/2, 18/2	0.705 हेक्टेयर	1,32,17,404	1,31,09,728
14	664/2020	LAO ISP V/s Kailash	EXLA/34/2019	77/1, 77/2, 416/2	0.270 हेक्टेयर	48,55,898	50,20,747
15	676/2020	LAO ISP V/s Rahul	EXLA/36/2019	43/7	0.600 हेक्टेयर	1,08,61,365	1,11,57,215
16	672/2020	LAO ISP V/s Ayush	EXLA/39/2019	222/5	0.420 हेक्टेयर	79,23,165	78,10,051
17	660/2020	LAO ISP V/s Gokul	EXLA/24/2019	48/6, 48/7	0.153 हेक्टेयर	27,68,079	28,45,090

नोटः—उपरोक्त सभी प्रकरणों में भू-अर्जन अधिकारी द्वारा सभी के लिये एक समान गार्डर्ड लाईन 85,00,000/- रुपये प्रति हेक्टर की दर से मुआवजा प्रदान किया गया था और माननीय जिला न्यायालय द्वारा उसी क्षेत्र के विक्रय पत्रों के आधार पर 1,71,60,000/- रुपये प्रति हेक्टर की मान से मुआवजा तय किया है।

सेगांव

Sr. No	First Appeal No.	Parties	District Court Case No.	अधिग्रहित भूमि का सर्वे न. एवं अधिग्रहित रकबा	क्लेक्टर द्वारा प्रदान की गई मुआवजा राशि। (मूल अवार्ड राशि)	जिला न्यायालय द्वारा बढाई गई मुआवजा राशि।	
1	701/2020	LAO ISP V/s Sahdev	EXLA/113/2019	60/7, 61/4, 61/5	0.395 हेक्टेयर	72,69,606	1,09,54,083
2	669/2020	LAO ISP V/s Sahdev	EXLA/109/2019	60/5	0.360 हेक्टेयर	64,14,919	99,83,468
3	700/2020	LAO ISP V/s Sudama	EXLA/101/2019	60/2	0.195 हेक्टेयर	35,20,256	54,07,644
4	705/2020	LAO ISP V/s Satynarayan	EXLA/107/2019	60/6	0.260 हेक्टेयर	46,42,820	72,10,283
5	702/2020	LAO ISP V/s Riyajuddin	EXLA/120/2019	23,25,26,27/1 पैकी	0.185 हेक्टेयर	33,39,214	51,30,394
6	692/2020	LAO ISP V/s Hukumchand	EXLA/115/2019	24/4, 24/5, 24/6 पैकी	0.299 हेक्टेयर	56,57,340	79,79,102
7	698/2020	LAO ISP V/s Sameena	EXLA/102/2019	4/2	0.475 हेक्टेयर	1,11,24,763	1,07,02,117

8	704/2020	LAO ISP V/s Kamlesh	EXLA/137/201 9	61/10	0.040 हेक्टर	8,33,929	34,56,948
9	678/2020	LAO ISP V/s Punamcha nd	EXLA/136/201 9	20/2	0.230 हेक्टर	41,08,597	63,79,227
10	690/2020	LAO ISP V/s Sirvati Bai	EXLA/122/201 9	60/1	0.405 हेक्टर	73,03,859	1,12,31,402
11	703/2020	LAO ISP V/s Piyush	EXLA/110/201 9	22/4/1, 22/7	0.310 हेक्टर	58,46,737	1,12,31,402
12	696/2020	LAO ISP V/s Babulal	EXLA/119/201 9	5/3	0.175 हेक्टर	40,27,783	39,39,922
13	699/2020	LAO ISP V/s Jitendra	EXLA/121/201 9	15/4/2	0.175 हेक्टर	32,26,262	47,27,985
14	680/2020	LAO ISP V/s Raju	EXLA/117/201 9	15/4/1	0.175 हेक्टर	40,20,879	39,39,922
15	695/2020	LAO ISP V/s Harishanka r	EXLA/112/201 9	12/3 पैक	0.130 हेक्टर	29,79,211	29,29,658
16	683/2020	LAO ISP V/s Jaya	EXLA/111/201 9	24/1	0.057 हेक्टर	10,10,096	37,00,471
17	681/2020	LAO ISP V/s Yash	EXLA/108/201 9	94/5	0.028 हेक्टर	4,90,350	18,23,612
18	682/2020	LAO ISP V/s Gopilal	EXLA/104/201 9	12/5, 13	0.245 हेक्टर	56,24,297	55,18,393
19	679/2020	LAO ISP V/s Rukmani Bai	EXLA/100/201 9	12/1	0.150 हेक्टर	35,15,490	33,77,970
20	697/2020	LAO ISP V/s Shankar	EXLA/118/201 9	98/2	0.235 हेक्टर	35,91,317	73,49,873
21	693/2020	LAO ISP V/s Duda	EXLA/114/201 9	15/3, 18/2, 19, 21/1	0.355 हेक्टर	63,11,182	98,44,809
22	686/2020	LAO ISP V/s Govind	EXLA/105/201 9	12/4	0.155 हेक्टर	39,28,040	34,79,102

नोटः--उपरोक्त सभी प्रकरणों में भू-अर्जन अधिकारी द्वारा एक ही गावं यमें तथा एक ही क्षेत्र में होने के बावजूद तीन अलग अलग दर 68,00,000/-,

85,00,00/- एवं 1,15,00,000/- प्रति हेक्टर के मान से मुआवजा प्रदान किया गया था और माननीय जिला न्यायालय द्वारा उसी क्षेत्र के विक्रय पत्रों के आधार पर सभी में एक समान 2,14,50,000/- रुपये प्रति हेक्टर के मान से मुआवजा तय किया है।

Submissions of Shri Vivek Patwa learned counsel for appellants

5- Shri Vivek Patwa, learned counsel submitted that the Land Acquisition Officer awarded the just and proper compensation by taking into consideration all the relevant factors prevailing at the relevant point of time, but the Reference Court has erred in relying on the law laid down by the apex Court which was distinguishable from the facts of the present case. The Reference Court has erred in holding that the subject land is situated near the National Highway whereas the National Highway was only proposed and the same has not yet been constructed. It is further submitted by the learned counsel that no layout plan of the city in respect of the subject land was published yet and no layout plan of the neighbouring area was produced before the Reference Court. In order to take the value of acquired land only three sale deeds have been applied as an exemplar which pertains to a small area of land. The land owners have not carried out any development work, thus the deduction of 75% to 80% ought to have been applied by the Reference Court.

6- Learned counsel Shri Patwa further argued the learned Reference Court has failed to appreciate that by constructing a canal in the land of land owners the fertility of the remaining land is bound to increase in many folds hence they are already benefited. From the canal, they would be entitled to get water for irrigation at nominal charges hence the compensation enhanced by the learned court is on the higher side which would cause a heavy financial burden on the appellants i.e.

beyond the total project cost. In support of his contentions, learned counsel has placed reliance on the recent judgment of the Apex Court in the case of ***State of M.P. V/s. Radheshyam & others*** (Civil Appeal No. 8857-8858/2022 decided on 24.11.2022) wherein the award passed based on sale-deeds of the neighbouring villages has been deprecated and the matter has been remanded back to the High Court for fresh adjudication.

7- Shri Patwa learned counsel further submitted that it has also been held that the deduction towards development work can range from 20% to 75% depending on various factors. The Land Acquisition Officer bifurcated the entire acquired land into two categories, the first category is unirrigated land and the second category is irrigated land. The Land Acquisition Officer has awarded compensation of Rs.85.00 Lakhs per Hect. for unirrigated land, Rs.1.15 Crores for irrigated land, but the Reference Court has calculated the amount of compensation at a uniform rate of Rs.2.14 Crores for both types of categories which is unjust and improper on his part. The acquired land is not situated on the road, but it is situated in an interior part of the village where no irrigation facility was there. The sale deeds of small plots have wrongly been taken into consideration. The amount of compensation awarded by the Land Acquisition Officer has been doubled by the Reference Court. Hence, the impugned award passed by the Reference Court is liable to be set aside and the award passed by the Land Acquisition Officer be restored.

Submissions on behalf of counsel for landowners

8- *Per contra*, Shri A.S. Garg, learned senior counsel appearing for some of the land owners in F.A. Nos. 661/2020, 665/2020, 668/2020,

669/2020, 671/2020 and 698/2020, contended that no interference is called for with the award passed by the Reference Court as just and proper compensation has now been awarded based on the sale-deeds and the basis of market guidelines as well. By applying both methods the amount of compensation comes to Rs.2.14 Crores per hectare which has rightly been awarded now. The appellants did not produce any documentary as well as oral evidence before the Reference Court. All the grounds raised in these appeals are very general and vague in nature. The appellants have failed to cross-examine any witness. Shri Garg learned senior advocate urged that the deduction of 83% in total is on the higher side coupled with the fact that no development is required to be done in the construction of canal work and there is no wastage of land for the development of remaining land. Hence, there should not be any deduction in the amount of compensation. It is further submitted that after the deduction of 70%, a further deduction of 45% has been made which has resulted in a drastic reduction in the amount of the compensation, hence there is a cross-appeal seeking enhancement by one of the landowners. In support of his contention, the learned senior advocate has placed reliance on the judgment of the apex Court in the case of *Nelson Fernandes V/s. Special Land Acquisition Officer : (2007) 9 SCC 447*; *Ashrafi & others V/s. State of Haryana : (2013) 5 SCC 527*; *Mohinder Singh V/s. State of Haryana: 2015 (1) MPLJ 51*; *Chief Executive Officer, IDA V/s. Hira Lal (Dead) through LRs.* (Civil Appeal Nos. 17551-17598 of 2017 decided on 26.10.2017); *Mohammad Yusuf V/s. State of Haryana: AIR 2018 SC 2248*; and judgment of this Court in the case of Hiralal (Dead) through legal representatives (F.A. No.901/2008 & other

connected appeals decided on 12.1.2015).

9- Shri Manoj Munshi, learned counsel appearing for respondents, land owners in F.A. Nos. 672/2020, 691/2020, 700/2020, 701/2020 and 705/2020, added that the acquired land and the nearby lands had already been included in the municipal area as well as in the city development plan. An industrial area has been developed on the land which is 200 meters away from the land in the acquisition, therefore, the acquired land is having a high potential value. Though no cross-appeal has been filed, but learned counsel submits that the learned Reference Court has wrongly applied the deduction of a total of 83% and which is on the higher side. No development is required after the construction of the canal. No evidence has been adduced by the appellants. Hence, all the appeals are liable to be dismissed.

10- Shri Bharat Chitale, learned counsel for the respondents/land owners in F.A. Nos. 670/2020, 673/2020, 675/2020, 676/2020, 690/2020 and 703/2020, supported the above submission and added that the learned Reference Court has rightly assessed the compensation under the provisions of Section 26 of the Act of 2013. The land owners have examined all the relevant witnesses from the office of NHAI, Revenue Department, etc. to establish that the land acquired is situated near the development area, industrial area, highway and in rebuttal, the appellants have not examined any witness and also not produced any document. Therefore, the compensation is just and proper. Shri Chittale learned counsel further submitted that the deductions which are applicable for the acquisition of the land for the development of the residential area or industrial area cannot be applied in case of the acquisition of the land for a canal or railway line. The apex Court in the

case of *Kanta Devi V/s. State of Haryana : (2008) 15 SCC 201* has held that deduction should not exceed more than 70% and deduction of 60% of the market value would be reasonable. In support of his contention, learned counsel has also placed reliance on the judgments passed by the apex Court in the case of *Mohammad Yusuf V/s. State of Haryana : (2018) 16 SCC 105*; *Chandrashekhar (D) by LRs. V/s. Land Acquisition Officer : (2012) 1 SCC 390*; *Sajan V/s. State of Maharashtra : (2020) 14 SCC 139*; *Bhikulal Kedarmal Goenka (D) by LRs. V/s. State of Maharashtra: (2016) 14 SCC 279*; and *Maya Devi (D) by LRs. V/s. State of Haryana : (2018) 2 SCC 474*.

11- Shri Pratyush Mishra, learned counsel appearing for the respondents-land owners in F.A. Nos. 660/2020, 662/2020, 663/2020, 666/2020, 667/2020, 678/2020, 679/2020, 680/2020, 682/2020, 683/2020, 692/2020, 693/2020, 695/2020, 696/2020, 697/2020, 699/2020 and 702/200 has adopted the arguments advanced by Shri A.S. Garg, learned senior counsel and Shri B.A. Chitale, advocate in other connected appeals. Learned counsel also submitted that the percentage of deduction applied by the learned Reference Court is on the higher side which is liable to be reduced. Though no cross-appeal has been filed, the impugned award is liable to be maintained. All the appeals filed by the appellants are liable to be dismissed.

12- At last, Shri Vinay Zelawat, learned senior counsel appearing for the respondents/land owners in F.A. Nos. 681/2020 and 704/2020 argued in support of the impugned award passed by the learned Reference Court and prayed for the dismissal of the appeal. The learned senior advocate submitted that most of the area of acquired lands are small areas, therefore, the sale deeds produced as an exemplar

have rightly been considered by the learned Reference Court. In support of his submissions, he has placed reliance on the judgment of the apex Court in the case of ***Krishi Utpadan Mandi Samiti V/s. Bipin Kumar & another : (22004) 2 SCC 283.***

Appreciation and conclusion

13. The appellants have filed these appeals mainly aggrieved by enhancement of the value of the lands on the basis of sale-deeds used as exemplars. The reference court also examined the market value of as from the guidelines of the year 2017-2018 issued by the Collector (Stamps). The claimants have exhibited as many as 9 sale-deeds executed in the months of May, June, July and August of 2017, out of which, learned Reference Court has taken into consideration the sale-deeds dated 27.7.2017 (two) and 28.7.2017 as the notification u/s. 11 of the Act was published on 3.9.2017 for which there is no illegality on part of learned District Judge. By way of aforesaid sale-deeds, the land of the nearby area was sold @ Rs. 13 Crores per Hect. whereas the area of the land is small i.e. 0.019 Hect. Since the sale-deeds were pertaining to small plots, therefore, learned Reference Court has though assessed the value of the land @ Rs. 13 Crores per Hect., but reduced the value of the land to Rs.3,90,000/- per Hect. by applying the deduction of 70% which is also a correct approach of law and as per catena of judgments passed by the Apex court.

14- In order to rebut these sale deeds it is important to mention here that the appellants did not produce any evidence in respect of the value of the properties. The Land Acquisition Officer determined the market value of the land at Rs.1,15,00,000/- per Hect. for irrigated land and

Rs.85,00,000/- for un-irrigated land on the basis of guidelines issued by the Dy. Registrar, Barwani vide letter dated 10.10.2018 for the year 2017-2018 for agriculture land.

15- But for assessing the market value of the acquired land on the basis of sale deeds of the relevant year, the learned Reference Court considered the guidelines issued for the year 2017-2018 for residential and commercial plots. As per guidelines, the maximum market value of the land near the road was Rs.40,000/- per Sq.mtr. and minimum market value was Rs.4,500/- per Sq.mtr. Learned Reference Court has taken the average value @ Rs.13,000/- per Sq.mtr. which comes to Rs.13 Crores per Hect.

16- At the time of acquisition, all the lands were registered as agricultural land in the revenue records. No documents pertaining to the diversion have been exhibited by the landowners. The reference ought to have considered the guidelines issued for agricultural land. Because of this there is a difference in the market value of the land from Rs. 1,15,00,000 to Rs.13,00,00,000.00 per hectare in the assessment done by the Land Acquisition Officer and learned Principle District Judge. Such a huge difference has been balanced by applying the deduction of 70% and 45 % by the learned Principle District Judge to arrive at just and fair compensation payable to the land owners.

18- The land owners sought a reference for enhancement of the compensation on the ground that their lands are situated near the National Highway 347B and the same has been included in the area of the Municipal Corporation as well as in the Master Plan as urban land. According to them some of the lands have been reserved for 36 mtrs. wide road in the residential area hence it was no more agricultural land.

The landowners examined Dy. The manager of National Highway Authority as P.W.6 deposed that on 14.6.2016 National Highway 347B has been constructed which starts from Ashapur and ends at Barwani via Anjad, Khandwa and the acquired land is near the said National Highway and adjacent to Khandwa Baroda State Highway. The land owners also examined Sunil John Minz from the office of Assistant Director, Town & Country Department as P.W.5 to establish that the acquired land has been included in the Master Plan as urban land. The land owners also examined Patwari R.K. Chouhan as P.W.2 and according to him, in the nearby land of the acquired land, the marriage garden, restaurant, motor showroom, market, residential colony, industrial area, etc. have been developed and at some distance, Segaon Industrial Center, Balaji Vihar Colony, Shrinathdham Colony, Gurudham colony, ESSAR Petrol Pump, Ashagram Sanstha, etc. have been established, therefore, the land is having high potential value for residential as well as commercial use. Hence, the sale deeds executed vide Exh. P/20, P/22 and P/24 were executed in the month of July 2017 @ Rs.13 Crores per Hectare which was the market value for commercial and residential plots as per the guidelines. As held above by applying appropriate deduction i.e. 70 + 45 % just and fair compensation has been arrived hence I do not find any perversity in the findings recorded by the learned Reference Court hence no case for any reduction as well as further enhancement is made out in these appeals as well as in cross-appeal.

19- The only issue which requires consideration is, whether the percentage of deductions has rightly been applied by the learned Reference Court.

20- Shri A.S. Garg learned senior counsel appearing for some of the respondents/land owners, argued that the land in question was acquired for the construction of a canal and the entire land has been used, and no land was left or wasted for development therefore, there should not be any deduction. Learned Reference Court has applied the deduction of 70% and thereafter, applied the further deduction of 45% hence the total comes to 86.3% which is on higher side .

21- Shri Bharat A. Chitale learned counsel appearing for some of the respondents/land owners submits that the apex Court in the case of Chandrashekhar (supra) and the case of Sajan (supra) has held that as long as cumulatively all deductions put together deduction should not exceed the upper benchmark of 75%. However, in only one case, the cross-appeal has been filed challenging the percentage of deduction applied by the Reference Court.

22- It is correct that in the catena of cases the apex Court has held that looking at the facts and circumstances of the case, the Court should apply the appropriate percentage but it should not be more than 75%. In the present case, though the nearby land has been developed for commercial, residential and other purposes, the fact remains that this land was acquired as a canal for supplying water to the agriculturists. Therefore, the market rate which has been taken into consideration by the Reference Court is for residential and commercial plots which are already on the higher side. Hence, applying the deduction @ 70% is proper due to which valuation has come down to Rs.3,90,00,000/- still which is three times the valuation assessed by the Land Acquisition Officer. So far as the further deduction of 45% is concerned, the same has been applied for the assessment of the market value of the land and

due to this the valuation has come down to Rs.2,14,50,000/- which is approximately double the valuation assessed by the Land Acquisition Officer. For the construction of a canal, the land on both sides is required to be left for doing the repair work, cleaning in the canal from time to time, etc. In the canal, for the free flow of water, the gravity level has to be maintained. The Government is not earning any profit by constructing a canal and the farmers pay the nominal charges to get water from the canal for irrigation purposes. Therefore, a further 45% deduction has rightly been applied. Over and above 100% solatium has been granted along with interest @ 12% per annum. Hence, no deduction or enhancement is required in the assessment done by the learned Reference Court. I do not find any merit in all these appeals and cross-appeal.

Accordingly, all the appeals stand dismissed. Let a photocopy of this order be retained in the file of each connected appeal.

However, no order as to costs.

(VIVEK RUSIA)
JUDGE

Alok/-