



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

FIRST APPEAL NO.509 OF 2014

Vidarbha Irrigation Development Corporation,
through Executive Engineer, Minor Irrigation
Division, Washim.

..

Appellant

.. Versus ..

1] Narendra Tukaram Pawankar,
Aged about 28 years,
Occupation-Agriculturist,
R/o. Vaigaul, Tahsil-Manora,
District-Washim.

2] State of Maharashtra, through Collector,
Washim, Represented by Land Acquisition
Officer, Washim.

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Respondents

WITH

CROSS-OBJECTION NO.18 OF 2017

Vidarbha Irrigation Development Corporation,
through its Executive Engineer, Minor Irrigation
Division, Washim, District-Washim.

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Appellant

.. Versus ..

1] Narendra Tukaram Pawankar,
Aged about 40 years,
Occupation-Agriculturist,
R/o. Vaigaul, Tahsil-Manora,
District-Washim.

2] State of Maharashtra, through Collector,
Washim, Represented by Land Acquisition
Officer, Washim, District-Washim.

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Respondents

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Shri Vinay Dahat, Advocate for Appellant,
Shri A.S. Mehadia, Advocate for Respondent No.1,
Mrs. G.R. Tiwari, AGP for Respondent No.2-State.

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FIRST APPEAL NO.523 OF 2014

Executive Engineer, Minor Irrigation Division,
Washim, Tahsil and District-Washim.

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Appellant

.. Versus ..

- 1] Smt. Shobhabai w/o Udhavrao Andhale,
Aged about 40 years,
Occupation-Cultivator,
R/o. Vaigaul, Tahsil-Manora,
District-Washim.
- 2] State of Maharashtra, through Collector,
Washim, Represented by Land Acquisition
Officer, Washim, District-Washim.

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Respondents

WITH
CROSS-OBJECTION NO.16 OF 2017

Vidarbha Irrigation Development Corporation,
Through its Executive Engineer,
Minor Irrigation Division, Washim,
District-Washim.

..

Appellant

.. Versus ..

- 1] Shobhabai w/o Udhavrao Andhale,
Aged about 55 years,
Occupation-Cultivator,
R/o. Vaigaul, Tahsil-Manora,
District-Washim.
- 2] State of Maharashtra, through Collector,
Washim, Represented by Land Acquisition
Officer, Washim, District-Washim.

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Respondents

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Mrs. U.A. Patil, Advocate for Appellant,
Shri A.S. Mehadia, Advocate for Respondent No.1,
Mrs. G.R. Tiwari, AGP for Respondent No.2-State.
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FIRST APPEAL NO.770 OF 2014

Vidarbha Irrigation Development Corporation,
through Executive Engineer, Minor Irrigation
Division, Washim.

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Appellant

.. Versus ..

1] Chandansing Mohansing Rathod,
Aged about 60 years,
Occupation-Agriculturist.

2] Yamunabai Chandansing Rathod,
Aged about 55 years (Dead)

2-i] Smt. Ashabai Shridhar Jadhav,
Aged about 40 years,
Occupation-Housewife.

2-ii] Pravin Chandansing Rathod,
Aged about 36 years,
Occupation-Nil.

2-iii] Pradeep Chandansing Rathod,
Aged about 33 years,
Occupation-Nil,

All R/o. Wahigaul, Tahsil-Manura,
District-Washim.

3] State of Maharashtra, through Collector,
Washim, Represented by Land Acquisition
Officer, Washim.

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Respondents

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Shri J.B. Kasat, Advocate for Appellant,
Shri A.S. Mehadia, Advocate for Respondent No.1, 2(i) to 2(iii),
Mrs. G.R. Tiwari, AGP for Respondent No.3-State.

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WITHCROSS-OBJECTION NO.115 OF 2018

1] Chandansing Mohansing Rathod,
Aged about 68 years,
Occupation-Agriculturist.

2] Yamunabai Chandansing Rathod,
(Since deceased through legal heirs)

2a] Ashabai Shridhar Jadhav,
Aged about 40 years,
Occupation-Housewife.

2b] Pravin Chandansing Rathod,
Aged about 36 years,
Occupation-Nil.

2c] Pradeep Chandansingh Rathod,
Aged about 33 years,
Occupation-Nil,

All R/o. Wahigaul, Tahsil-Manura,
District-Washim.

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Appellants
X objectors

.. Versus ..

1] Vidarbha Irrigation Development Corporation,
Through Executive Engineer, Minor Irrigation
Division, Washim, District-Washim.

2] State of Maharashtra, through Collector,
Washim, Represented by Land Acquisition
Officer, Washim.

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Respondents

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Shri A.S. Mehadia, Advocate for appellants-xobjectors,
Shri J.B. Kasat, Advocate for respondent no.1,
Mrs. G.R. Tiwari, AGP for respondent no.2-State.

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CORAM : N.W. SAMBRE, J.

DATED : 20.12.2018.

ORAL JUDGMENT

1] This appeal is by acquiring body questioning the judgment delivered by the reference court in LAC No.39/2005 wherein the enhanced

compensation came to be awarded in favour of the land owner for the land and the orange trees.

2] In the appeal, the claimant has taken out Civil Application (CAF) No.3107/2018 seeking final disposal of the appeal in terms of judgment dated March 23, 2016 passed in First Appeal No.581/2007 along with Cross-Objection No.1/2008 as the issue raised in the appeal is squarely covered by the said judgment.

3] Learned counsel for appellant in response to the aforesaid prayer for disposal of the appeal moved by the claimant submits that the matter was placed before the Lok Adalat and as the same is pending for approval of the Executive Director of the appellant as the amount needs to be released in favour of the claimant. According to him, the hearing of the matter be deferred.

4] The claimant i.e. respondent no.1 to the present appeal has preferred Cross-Objection No.18/2017. He submits that even the claim in the cross objection can also be disposed of in judgment delivered on 23.3.2016 in First Appeal No.581/2007. If the aforesaid submissions are appreciated, it is to be noted that this court while entertaining the cross objection at the admission stage on 7.3.2017 has noted that the claimant will not be entitled for interest on the enhanced amount of compensation for the period from 21.6.2011 till 7.3.2017.

5] In the aforesaid backdrop, the present appeal and the cross objection stand disposed of in terms of judgment dated 23.3.2016 delivered in First Appeal No.581/2007 and Cross Objection No.1/2008 (The State of Maharashtra and others .vs. Harichand Bhasu Rathod).

Corrected as per
Court's order
dated
18.07.2024

Needless to clarify that the claimant will not be entitled for interest on enhanced compensation for a period from 21.6.2011 till 7.3.2017.

6] So far as other two first appeals are concerned, these appeals being First Appeal No.523/2014 and First Appeal No.770/2014 are concerned, these appeals and the cross objections are also disposed of in above terms with only rider that the claimant will not claim any interest on the enhanced compensation for the period for which the cross objection was filed at belated stage. While calculating the compensation, the acquiring body should take note of the same. All these appeals as such stand disposed of in above terms.

7] Needless to say that since the appeals and the cross objections are disposed of, the claimant will be entitled to withdraw the amount after recalculating the claim in the backdrop of delay in filing of cross objection. If the amount is found to be short, the acquiring body shall deposit the difference within a period of three months on calculating the amount.

JUDGE