

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

MISC. CIVIL APPLICATION (REVIEW) NO. 1098 OF 2019
IN
FIRST APPEAL NO. 988 OF 2008.

(Vidarbha Irrigation Development Corporation, Yavatmal Vs. Pandurang Govindrao Bhagat,
Yavatmal & Ors.)

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

Court's or Judge's orders.

Shri A.B.Patil, Advocate for the appellant.
Mrs.S.W.Deshpande, Advocate for non-applicant No.1.
Ms.H.N.Jaipurkar, A.G.P. for non-applicant No.2 and 3.

CORAM : PUSHPA V. GANEDIWALA, J.
NOVEMBER 15, 2019.

Heard.

This is an application filed by the appellant – V.I.D.C. under Section 114 read with Order 47 of the Code of Civil Procedure seeking review of the judgment and award dated 12 & 13th October, 2010 passed by this Court in First Appeal No.487/2006 and other connected matters. The instant review application is concerned with the First Appeal No.988/2008.

I have perused the record with the assistance of learned counsel for the appellant. I am satisfied that inadvertently, an error has been committed inasmuch as the aforesaid First Appeal No.988/2008 came to be decided with a bunch of matters, which were not connected with the said

appeal. The said bunch of matters is related to the house property, however, the subject matter in the First Appeal No.988/2008 is related to an agricultural land and accordingly, it is clear that the land in the said appeal is totally different from the land involved in the aforesaid bunch of matters.

In this view of the matter, I am inclined to allow the instant review application and the same is accordingly allowed.

Learned counsel for both the parties jointly submit that the issue involved in the First Appeal No.988/2008 is squarely covered by the judgment given by this Court in the case of ***Hemantkumar Lajpat Kawalkar, Yavatmal Vs. The State of Maharashtra & Ors. [First Appeal No.1102/2007 decided on 06/03/2019]***.

Undisputedly, the land involved in the First Appeal No.988/2008 and the land involved in the First Appeal No.1102/2007 were acquired by the Land Acquisition Officer for the Bembla project after issuing notification under Section 4 of the Land Acquisition Act, 1984 on 29/05/1997 and accordingly, the Land Acquisition Officer by his award dated 31/01/2010 granted compensation of Rs.30,000/- per hectare.

It is also not in dispute that the land involved in the First Appeal No.988/2008 bearing

Gat No.36 ad measuring 1.62 H.R. situated at village Pimpalgaon, Tah. Babhulgaon, District Yavatmal is similarly situated with the land bearing Gat No.47 ad measuring 2.37 H.R. which is the subject matter in the First Appeal No.1102/2007 wherein this Court had granted compensation @ Rs.1,20,000/- per hectare.

In my opinion, as the land in the First Appeal No.988/2008 is similarly situated with the land involved in the First Appeal No.1102/2007, non-applicant No.1 herein is also entitled to receive enhanced compensation to the tune of Rs.1,20,000/- per hectare.

Accordingly, the compensation for the land bearing Gat No.36 ad measuring 1.62 H.R. situated at village Pimpalgaon, Tah. Babhulgaon, District Yavatmal which belongs to non-applicant No.1 herein is determined at Rs.1,20,000/- per hectare.

In view of the fact that this Court vide order dated 25/06/2019 has already directed the V.I.D.C., Yavatmal to deposit the compensation for the land involved in the First Appeal No.988/2008 @ Rs.1,00,000/- per hectare within a period of four weeks from the date of passing of that order, the appellant – V.I.D.C. is directed to deposit enhanced compensation @ Rs.1,20,000/- per hectare with all

statutory benefits along with interest within one month from today.

On such deposit, the non-applicant No.1 is entitled to withdraw the same.

The review application accordingly stands disposed of.

JUDGE

Sumit