

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

FIRST APPEAL NO. 192 OF 2017

Ramaji @ Rambhau Balkrushnaji Mehetre
 Aged 66 years, Occ. Cultivator,
 All R/o Salod (Hirapur)
 Tah. & Dist: WARDHA

..... Appellant

.....Vs.....

1. State of Maharashtra,
 Through : Collector,
 Special Land Acquisition Officer (VIDC),
 Wardha Prkalp,
 Tah. & Dist. WARDHA.

2. Vidarbha Patbandhare Vikas Mahamandal
 Through : Executive Engineer,
 Lower Wardha Canal Division,
 Tah. & Dist WARDHA.

..... Respondents

WITH
FIRST APPEAL NO. 123 OF 2017

1. Vasanta S/o Laxman Mehetre,
 aged 76 years, occ. Cultivator,
2. Maroti S/o Laxman Mehetre,
 aged 66 years, occ. Cultivator,
3. Sudhakar S/o Vasanta Mehetre
 (Since deceased) LR.
- i) Krish Sudhakar Mehetre (Minor)
 Thru : Vasanta Laxman Mehetre,
 Appellant No. 1 (Guardian)
4. Ramesh S/o Maroti Mehetre,
 aged 36 years, Occ. Cultivator,
 All R/o Salod (Hirapur)
 Tah. & Dist. Wardha.

..... Appellants

.....Vs.....

1. State of Maharashtra,
Through Collector, Wrdha
Special Land Acquisition Officer VIDC,
Wardha Prkalp,
Wardha.
2. Vidarbha Patbandhare Vikas Mahamandal
Through Executive Engineer,
Lower Wardha Canal Division,
Wardha.

..... Respondents

WITH
FIRST APPEAL NO. 188 OF 2017

1. Mandabai Champatrao Wandile,
(Since deceased. LR's already party,
as Appellants No. 2, 3, and 4, below).
2. Prakash Champatrao Wandile,
Aged 46 years, Occ. Business.
3. Rajesh Champatrao Wandile,
Aged 36 years, Occ. Cultivator,
4. Sau Leena Sanjayrao Mendule,
Aged 29 years, Occ. Housewife,

All R/o Salod (Hirapur),
Tah. & Dist.: WARDHA

..... Appellants

.....Vs.....

1. State of Maharashtra,
Through: Collector,
Special Land Acquisition Officer, VIDC,
Wardha Prkalp,
Tah. & Dist. WARDHA.
2. Vidarbha Patbandhare Vikas Mahamandal
Through : Executive Engineer,
Lower Wardha Canal Division,
Tah. & Dist WARDHA.

..... Respondents

WITH
FIRST APPEAL NO. 189 OF 2017

1. Champat Sadashiv Fating,
Aged years, Occu- Cultivator,
- i) Smt. Suman Champatrao Fating (wife),
Aged about 60 years, Occ. Housewife,
- ii) Sunil Champatrao Fating (Son)
Aged about 41 years, Occ. Cultivator,
Appellant No. 2.
- iii) Ashish Champatrao Fating (Son),
Aged about 38 years, Occ. Cultivator,
Appellant No. 3
- All Resident of Salod (Hirapur),
Tah. and District- Wardha.
- iv) Ranjana V. Wandile
(Daughter- Deceased)
- a) Chetan Vijayrao Wandile (Grand son),
Aged about 25 years, Occ. Service,
- b) Puja Vijayrao Wandile (Grand Daughter)
Aged about 22 years, Occ. Student.
- v) Smt. Vandana Vijayrao Wandile,
Aged about 42 years, Occ. Housewife,
R/o. Geetai Nagar, Wardha, Tah. and
District – Wardha.
2. Sunil Champatrao Fating,
Aged 41 years, Occ. Cultivator,
3. Ashish Champatrao Fating,
Aged 38 years, Occ. Cultivator,

All R/o Salod (Hirapur)
Tah. & Dist: WARDHA

..... Appellants

.....Vs.....

1. State of Maharashtra,
Through : Collector,
Special Land Acquisition Officer, VIDC,
Wardha Prkalp,
Tah. & Dist. WARDHA.
2. Vidarbha Patbandhare Vikas Mahamandal
Through : Executive Engineer,
Lower Wardha Canal Division,
Tah. & Dist WARDHA.

..... Respondents

WITH
FIRST APPEAL NO. 210 OF 2017

1. Annaji Marotrao Zade,
Aged 75 years, Occu-Cultivator,
 2. Baban Marotrao Zade,
Aged 68 years, Occ. Cultivator,
 3. Ramchandra Marotrao Zade,
Aged 56 years, Occ. Cultivator,
- No. 1 to 3 All R/o Salod
(Hirapur) Tah. & Dist: WARDHA.
4. Sau. Babita Bapuraoji Ghodmare,
Aged 56 years, Occ. Household,
R/o Padegaon,
Tah. & Dist: WARDHA.

..... Appellants

.....Vs.....

1. State of Maharashtra,
Through : Collector,
Special Land Acquisition Officer (VIDC),
Wardha Prkalp,
Tah. & Dist. WARDHA.
2. Vidarbha Patbandhare Vikas Mahamandal
Through : Executive Engineer,
Lower Wardha Canal Division,
Tah. & Dist WARDHA.

..... Respondents

WITH
FIRST APPEAL NO. 214 OF 2017

Madhukar Kisnaji Deotale,
Aged 36 years, Occ. Cultivator,
All R/o Salod (Hirapur)
Tah. & Dist: WARDHA

..... Appellant

.....Vs.....

1. State of Maharashtra,
Through : Collector,
Special Land Acquisition Officer, VIDC
Wardha Prakalp,
Tah. & Dist. WARDHA.

2. Vidarbha Patbandhare Vikas Mahamandal
Through : Executive Engineer,
Lower Wardha Canal Division,
Tah. & Dist WARDHA.

..... Respondents

WITH
FIRST APPEAL NO. 974 OF 2018

Sugandha W/o Ankush Zade,
Aged about 52 years, Occ. Cultivator,
R/o Salod (Hirapur)
Tah. & Dist: WARDHA

..... Appellant

.....Vs.....

1. State of Maharashtra,
Through : Collector/
Special Land Acquisition Officer, VIDC
Lower Wardha Canal division
Tah. & Dist. WARDHA.

2. Vidarbha Irrigation Development Corporation,
Through : Executive Engineer,
Lower Wardha Canal Division,
Tah. & Dist WARDHA.

..... Respondents

Mrs. S. S. Wandile, Advocate for the appellants in all the appeals
Ms. A. S. Athalye, Advocate for respondent no. 1 in FA Nos. 192/2017,
123/2017, 188/2017, 189/2017, 210/2017, 214/2017
Shri M. A. Kadu, Advocate for respondent no. 1 in FA No. 974/2018
Ms. Shamsi Haider, AGP for respondent no. 2 in all the appeals.

CORAM : M. G. GIRATKAR, J.

DATED : 08/08/2019

COMMON JUDGMENT

1] All this appeals are against the judgment of the Reference Court filed by the lands owners. They have claimed compensation at the rate of Rs.25,00,000/- per hectare, but the Reference Court has granted compensation at the rate of Rs.3,13,600/- per hectare in L.A.C. Nos. 35/2010, 34/2010, 39/2010, 40/2010, 37/2010, 38/2010 and in L.A.C. No. 36/2010 @ Rs.3,13,600/- for 0.73 HR and @ Rs.6,27,200/- for 0.73 HR. The lands of all the owners are acquired for Lower Wardha Project, by the same notification dated 19.03.2009. The award was passed on 31.07.2010. In the award, the Land Acquisition Officer granted compensation at the rate of Rs.2,26,000/- per hectare L.A.C. Nos. 35/2010, 34/2010, 40/2010, 37/2010, 38/2010, 36/2010 and Rs.2,48,000/- per hectare in L.A.C. No. 39/2010. In the reference, the appellants claimed compensation at the rate of Rs.25,00,000/- per hectare. The Reference Court granted compensation at the rate of Rs.3,13,600/- per hectare in L.A.C. Nos. 35/2010, 34/2010, 39/2010,

40/2010, 37/2010, 38/2010 and in L.A.C. No. 36/2010 @ Rs.3,13,600/- for 0.73 HR and @ Rs.6,27,200/- for 0.73 HR.

2] Heard learned Counsel Ms. A. S. Athalye, learned Counsel Shri M. A. Kadu, and learned AGP Ms. Shamsi Haider for the respective parties.

3] Heard learned Counsel Mrs. Wandile for the appellants. She has pointed out judgment passed by this Court dated 04.04.2017 in the First Appeal Nos. 322/2017, 323/2017 and 324/2017. These appeals were against the judgment of Reference Court in L.A.C. No. 99/2010. In para 16, the Reference Court has recorded its findings that there was sale instance of Survey No.176 of Village Padegaon. As per the Sale Deed Exh. 24, the land was sold at the rate of Rs.19,35,483/-. The Reference Court recorded its findings that the land vide Sale Deed Exh. 24 is adjacent to the road and, therefore, having more value as compared to the land of the claimants. It is observed that land of claimant is at the distance of 1 ½ km. from the main road, therefore, the compensation of the land of the claimant was fixed at the rate of Rs.12,60,000/- per hectare and, accordingly, allowed LAC No. 99/2010. The said judgment was challenged in the above said appeals before this Court. This Court by judgment dated 04.04.2017 dismissed all the appeals filed by the VIDC/Acquiring Body.

4] Therefore, it is clear that judgment in LAC No. 99/2010 is now final. The Judgment of this Court in the above stated appeals is not challenged before the Hon'ble Apex Court. The compensation awarded in LAC No. 99/2010 was in respect of the land acquired for Lower Wardha Project. The lands of all the appellants in the present appeals are also acquired for Lower Wardha Project and by the same Notification. Their lands are situated nearby the road.

5] Hence, in view of the judgment in LAC No. 99/2010 which is confirmed by this Court in First Appeal No. 322/2017 alongwith connected appeals, all First Appeal nos. 192/2017, 123/2017, 188/2017, 189/2017, 210/2017, 214/2017 and 974/2018 are **partly allowed** with no order as to costs.

6] The respondents in all the appeals are directed to pay compensation to the appellants/land owners of their respective lands at the rate of Rs.12,60,000/- per hectare alongwith accrued interest and other statutory benefits.

7] The respondents in all the appeals are directed to deposit amount of compensation within a period of six months.

JUDGE