

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

FIRST APPEAL NO. 238 OF 2015

Vidarbha Irrigation Development
Corporation through its Executive
Engineer, Lower Wardha Project
Division, Wardha, Tah. & Dist. Wardha.

...APPELLANT

V E R S U S

1. Rajubhau Shyamrao Wankhede,
Aged about 46 years, Occ: Agriculturist,
R/o Mirzapur (Neri), Tah Arvi,
Dist. Wardha.
2. The State of Maharashtra,
Through its Collector, Wardha,
District Wardha.
3. Special Land Acquisition Officer,
(VIDC) Wardha, Tahsil and District Wardha.

...RESPONDENTS

**WITH
CROSS-OBJECTION NO.69 OF 2017**

Vidarbha Irrigation Development
Corporation through its Executive
Engineer, Lower Wardha Project
Division, Wardha, Tah. & Dist. Wardha.

...APPELLANT

V E R S U S

1. Rajubhau Shyamrao Wankhede,
Aged about 46 years, Occ: Agriculturist,
R/o Mirzapur (Neri), Tah Arvi,
Dist. Wardha.
2. The State of Maharashtra,
Through its Collector, Wardha,
District Wardha.

... CROSS-OBJECTOR

3. Special Land Acquisition Officer,
(VIDC) Wardha, Tahsil and
District Wardha.

...RESPONDENTS

Shri S. K. Bhoyar, Advocate for appellant/VIDC.
Shri Tushar Darda, Advocate for cross-objector.
Ms H.N. Jaipurkar, A.G.P. for respondent Nos. 2 and 3.

CORAM : PUSHPA V. GANEDIWALA, J.
DATED : 8th OCTOBER, 2021.

ORAL JUDGMENT :

Heard.

2. This appeal and cross-objection take exception to the judgment and award dated 28.02.2013 passed in Land Acquisition Case No.187 of 2007 by the learned Joint Civil Judge, Senior Division, Wardha, wherein the learned Reference Court awarded compensation at the rate of Rs.2,50,000/- per hectare for the irrigated land of the cross-objector situated at Survey No.11 admeasuring 4.80 H.R., village Roshanpur, Tahsil Arvi, District Wardha.

3. Learned counsel Shri Tushar Darda submits that this matter can be disposed of as the issue involved in this appeal and cross-objection is covered by the judgment of this Court in Cross Objection No.85 of 2017 in First Appeal No.847 of 2014 wherein this Court awarded compensation at the rate of Rs. 3,18,510/- per Hectare for

irrigated land. The learned Counsel for the respondents does dispute this fact.

4. I have perused the record and the aforesaid judgment in Cross-Objection No.85 of 2017 in First Appeal No.847 of 2014. I am satisfied that subject lands in both the matters are similarly situated. In this view of the matter, for the reasons stated in afore cited judgment, the cross-objector herein is entitled to receive compensation at the rate of Rs.3,68,510/- per hectare for their irrigated land.

5. The judgment and decree of the Reference Court is modified as under :

(i) Appeal No.238 of 2015 is dismissed. Cross Objection No.69 of 2017 is allowed.

(ii) The cross-objector/claimant is entitled for enhanced compensation at the rate of Rs.3,18,510/- per hectare for land Survey No.11 admeasuring 4.80 H.R. situated at village Roshanpur, Tahsil Arvi, District Wardha alongwith all statutory benefits.

(ii) Needless to mention, the amount of compensation which was already deposited by the appellant/V.I.D.C., they are entitled to deduct the same.

(iii) The cross-objector shall not be entitled to claim interest for delayed period for filing cross objection.

(iv) Appellant/V.I.D.C. to deposit enhanced amount of compensation in terms of above order within a period of four months and thereafter the cross-objector shall be entitled to withdraw the same.

(v) The withdrawal of the enhanced amount of compensation shall be subject to payment of deficit amount of Court fee, if any.

(vi) The First Appeal and Cross-objection stand disposed of with no order as to costs.

JUDGE

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