

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

FIRST APPEAL NO.316/2017
WITH
CROSS OBJECTION (ST) NO.2959/2020

FIRST APPEAL NO.316/2017

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

..APPELLANT

Versus

1. Indirabai Chintaman Jadhav (dead)
 Through her Legal Heir,
 Gajanan Chintaman Sanap,
 Adult, Occ Cultivator,
 Near Rajesh Mishra's House,
 Opp. Shivaji School,
 Hariharpeth, Dessera Nagar, Akola.

2. State of Maharashtra,
 Through Collector, Washim.
 The Special Land Acquisition Officer
 Washim.

..RESPONDENTS

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Mrs. U.A.Patil, Advocate for the appellant.
 Shri A.S.Mehadia, Advocate for respondent no.1.
 Ms. H.N.Jaipurkar, AGP for respondent no.2.

CROSS OBJECTION (ST) NO.2959/2020

Indirabai Chintaman Jadhav
 Since deceased through legal heir,
 Gajanan Chintaman Sanap,
 Aged about 49 years Occ. Driver,

Near Rajesh Mishra's House, Opp. Shivaji School,
R/o Hariharpeth,
Dessera Nagar, Akola.

**Cross-Objector/
Appellant**

Versus

1. Executive Engineer,
Minor Irrigation Division,
Vidarbha Irrigation Development
Corporation, Washim.
2. State of Maharashtra,
Through Collector, Washim.
Special Land Acquisition Officer
Washim.

..RESPONDENTS

....

Shri A.S.Mehadia, Advocate for Cross-Objector/appellant.
Mrs. U.A.Patil, Advocate for respondent no.1.
Ms. H.N.Jaipurkar, AGP for respondent no.2.

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**CORAM : PUSHPA V. GANEDIWALA, J
DATED : AUGUST 25, 2021.**

ORAL JUDGMENT :

1. Heard.
2. The appellant – Executive Engineer, Minor Irrigation Division, Vidarbha Irrigation Development Corporation, Washim; so also the Claimant challenged the judgment and award dated 27.11.2012 passed by the Adhoc District Judge-II, Washim in L.A.C. No.42/2005, whereby the learned Reference Court enhanced the

compensation @ Rs.Two lakhs per hectare for the land admeasuring 2½ acres, out of Survey/Gat No.128 of village Waigoul, Taluka Manora, District Washim alongwith all other statutory benefits.

3. The learned counsel for the Claimant - Cross-Objector submits that the issue involved in this appeal has already been covered by the judgment of this Court in **First Appeal No.397/2014 alongwith Cross-objection no.17/2017** in the case of *Executive Engineer, Minor Irrigation Division, Washim Vs. Chandulal Ramsingh Mahendre (dead) through LRs.* vide judgment and order dated 14.11.2019. There is no dispute that both the subject land in the present appeal and the land acquired in the aforesaid cited judgment dated 14.11.2019, are similarly situated.

4. In the aforestated judgment in First Appeal No.397/2014 with Cross-objection No.17/2017 (supra), this Court considered its judgment passed in **First Appeal No.581/2007 alongwith Cross-objection No.1/2008**, in the case of *The State of Maharashtra Through Collector, Washim & Ors. Vs. Harichand Bhasu Rathod*, vide judgment and order dated 23.3.2016 for the land Survey No.103 of village Waigoul, which was acquired under the same Notification for the same project and date of award is also the same,

enhanced and granted the compensation @ Rs.89,500/- per acre.

5. In view of the above, there is no reason for this Court to take different view for the similarly situated land. Therefore, the claimant - Cross-objector is entitled to receive compensation @ Rs.89,500/- per acre for their 2½ acres land at Survey no.128 of village Waigoul, Tahsil Manora, District – Washim with statutory benefits and interest.

6. The appeal, therefore, needs to be dismissed and the same is accordingly dismissed. The cross-objection is allowed in part.

7. The appellant - the acquiring body shall deposit the enhanced amount of the compensation for the land alongwith all statutory benefits and interest, within a period of three months in this Court. On such deposit, the claimant would be entitled to withdraw the same.

8. The appeal and Cross-objection stand disposed of.

JUDGE

Ambulkar