

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

FIRST APPEAL NO. 932 OF 2010

Vidarbha Irrigation Development Corporation,
through its Executive Engineer, Bembla Project
Division, Taq. & Dist. Yavatmal.

...APPELLANT

VERSUS

1. Santosh s/o Sukhanand Jawade,
Aged : Major, Occ. Cultivator,
R/o L-83, Quarter No.44, Vidarbha
Housing Society, Bajoriya Nagar,
Yavatmal, Distt. Yavatmal.
2. The State of Maharashtra,
Through the Collector, Yavatmal.
3. The Special Land Acquisition Officer,
Bembla Project, Yavatmal.

...RESPONDENTS

WITH

CROSS OBJECTION NO. 35 OF 2011

Vidarbha Irrigation Development Corporation,
through its Executive Engineer, Bembla Project
Division, Taq. & Dist. Yavatmal.

...APPELLANT

VERSUS

1. Santosh s/o Sukhanand Jawade,
Aged : 62 years, Occ. Cultivator,
R/o L-83, Quarter No.44, Vidarbha
Housing Society, Bajoriya Nagar,
Yavatmal, Distt. Yavatmal.
2. The State of Maharashtra,
Through the Collector, Yavatmal.

...CROSS OBJECTOR

3. The Special Land Acquisition Officer,
Bembla Project, Yavatmal.

...RESPONDENTS

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Shri A.B. Patil, Advocate for the appellant in First Appeal No.932/2010
and for respondent No.1 in Cross Objection No.35/2011.
Shri S.V. Ingole, Advocate for respondent No.1 in First Appeal
No.932/2010 and for the cross-objector in Cross Objection No.35/2011.
Ms. Shamsi Haider, A.G.P for respondent Nos.2 and 3.
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CORAM : PUSHPA V. GANEDIWALA, J.
DATED : SEPTEMBER 02, 2021.

ORAL JUDGMENT :

Heard.

2. Shri Ingole, learned counsel for the claimant/
cross-objector submits that the instant Appeal and the Cross
Objection can be decided as the issue involved in the instant
Appeal is covered by the judgment delivered by this Court in
the case of **Ashok s/o Uttamchand Kotecha (Since dead) thr.**
LRs Savita wd/o Ashok Kotecha & Ors. Vs. The State of
Maharashtra & Ors. [First Appeal No. 399/2011] & Anr.
connected matter. He submits that in the said Appeal, this
Court has enhanced the compensation for the subject land
@ Rs.2,10,000/- per hectare against the compensation

which was enhanced by the Reference Court @ Rs.1,75,000/- per hectare. He further submits that the subject land in the present Appeal and the Cross Objection is similarly situated with the land which was acquired in the aforecited First Appeal, i.e., First Appeal No. 399/2011 & anr. connected matter as both the lands are situated at Village Barad, Tal. Babulgaon, District Yavatmal and was acquired under the notification dated 24/07/2003 issued under Section 4 of the Land Acquisition Act, 1894.

3. I have perused the record with the assistance of learned both the counsel. I am satisfied that the subject land in the instant Appeal so also the lands which were acquired in the aforesaid Appeals are similarly situated.

4. In this view of the matter, I do not see any good reason to take a different view, as the issue involved in the instant Appeal is already covered in the aforesaid Appeals. Hence, I proceed to pass the following order :

ORDER

- i. First Appeal stands dismissed.
- ii. Cross Objection stands partly allowed.
- iii. The compensation for the lands of the claimant admeasuring 1.82 H.R out of Gat No.84 and land admeasuring 0.81 H.R. out of Gat No.88, situated at Village Barad, Tal. Babulgaon, District Yavatmal, is determined @ Rs.2,10,000/- per hectare. This amount shall be paid by the acquiring body to the claimant with all statutory benefits.
- iv. If the amount of compensation has not been deposited by the acquiring body, the same shall be deposited within a period of five months with the Registry of this Court. On such deposit, the claimant/ cross-objector is entitled to withdraw the same, subject to payment of deficit Court fee.

JUDGE

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