

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

FIRST APPEAL NO.1402 OF 2008

Vidarbha Irrigation Development
Corporation, Through its Executive
Engineer, Bembla Project Division,
Taq. and Dist. Yavatmal.

.....APPELLANT

...V E R S U S...

Vishweshwar s/o Narayanrao Wadhonkar
(Dead through LRs)

1. Suresh s/o Vishweshwar Wadhonkar,
Aged 32 years,
R/o Kopra, Taq. Babhulgaon,
Distt. Yavatmal.
2. Divakar s/o Vishweshwar Wadhonkar,
Aged 50 years,
R/o Parwa, Taq. Ghatanji,
Distt. Yavatmal.
3. Sau. Sunanda Gajanan Vaidya,
Aged 28 years,
R/o Vaishnavmata Nagar, Plot No.220,
Hudkeshwar Road,
Tah. & Distt. Nagpur.
4. Sau. Sushila w/o Gangadhar Maunkar,
Aged 42 years,
R/o Waiphad, Tah. & Distt. Wardha,
5. The State of Maharashtra,
Through the Collector, Yavatmal.
6. The Special Land Acquisition Minor
Irrigation Work No.1, Yavatmal,
Tq. & Dist. Yavatmal.

.... RESPONDENTS

Shri A.B. Patil, Advocate for appellant.
Shri K.S. Narwade, Advocate for respondent nos.1 to 4.
Shri A.M. Kadukar, A.G.P. for respondent nos.5 and 6.

CORAM:- PUSHPA V. GANEDIWALA, J.

DATED :- 4th August, 2021.

ORAL JUDGMENT :

. Heard.

2. Learned counsel for respondent nos.1 to 4 filed Pursis No.9 of 2021 informing that the appellant-VI.D.C., the acquiring body has withdrawn First Appeal No.910 of 2016 arising out of L.A.C. No.275 of 2000. The said L.A.C. No.275 of 2000 was arising out of the same notification issued under Section 4 of the Land Acquisition Act, 1894, under which the land in the present appeal is acquired. It is further informed that in the aforesaid appeal the VI.D.C. has accepted the market rate of the acquired land at the rate of Rs.1,00,000/- per hectare. In the present appeal also, the Reference Court enhanced the compensation at the rate of Rs.1,00,000/- per hectare. Therefore, it is submitted that the present appeal needs to be dismissed.

3. Learned counsel for respondent nos.1 to 4 placed on record the judgment in L.A.C. No.275 of 2000 so also the

copy of order of this Court dated 28.11.2018 passed in First Appeal No.910 of 2016.

4. Upon perusing the aforesaid judgment of the Reference Court and order of this Court in Appeal No.910 of 2016 so also the impugned judgment, I am satisfied that the subject land in the instant appeal is similarly situated and the notification issued under Section 4 of the Land Acquisition Act is also of the even date. Considering these facts, there is no reason for this Court to take a different view in the matter. Hence, the appeal being devoid of any merits, the same stands dismissed. No costs.

JUDGE

Wagh