

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

**CROSS-OBJECTION NO.15 OF 2017 IN
FIRST APPEAL NO. 65 OF 2015 (D)**

Vidarbha Irrigation Development
Corporation, through its Executive
Engineer, Lower Wardha Project
Divison, Tahsil and District Wardha

...APPELLANT

V E R S U S

1. Marotrao Lakhaji Khandekar,
Aged 62 years (Dead)

Through LRs

- 1-a. Smt. Kalavati Marotrao Khandekar,
Aged 74 years, Occ: Cultivator,
R/o Mirzapur (Neri), Tq. Arvi,
District Wardha.

2. Harishchandra s/o Marotrao Khandekar,
Aged 56 years, Occ: Cultivator,
R/o Mirzapur (Neri), Tq. Arvi,
District Wardha.

...CROSS-OBJECTORS

3. The State of Maharashtra through
Collector, Wardha, Tahsil and
District Wardha.

4. Special Land Acquisition Officer,
[Vidarbha Irrigation Development
Corporation], Wardha
Dist. Wardha.

...RESPONDENTS

Ms Ashwini Athalye, Advocate for appellant/VIDC.

Shri Tushar Darda, Advocate for cross-objectors.

Ms H.N. Jaipurkar, A.G.P. for respondent Nos.3 & 4.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : 8th OCTOBER, 2021.

ORAL JUDGMENT :

Heard.

2. In this cross-objection, cross-objectors/claimants take exception to the judgment and award dated 12.04.2013 passed in Land Acquisition Case No.252 of 2006 by the learned Joint Civil Judge, Senior Division, Wardha, wherein the learned Reference Court awarded compensation for the dry crop land of the cross-objectors situated at Survey No.56/1 admeasuring 1.20 H.R. and Survey No.63 admeasuring 1.25 H.R. at village Nababpur, Tahsil Arvi, District Wardha at the rate of Rs.1,00,000/- per hectare.

3. Learned counsel appearing for the parties have pointed out that the present appeal came to be withdrawn by the appellant/V.I.D.C before the Lok-Adalat held on 22.04.2018. Learned counsel further submit that this matter can be disposed of as the issue involved in this case is covered by the judgment of the Co-ordinate Bench of this Court in Cross Objection No.31 of 2018 in First Appeal No.433 of 2014, wherein this Court has awarded compensation at the rate of Rs.1,68,000/- per hectare for dry crop land of the claimants therein situated at Mahimapur, Tahsil Arvi, District Wardha decided on 05.02.2020.

4. A perusal of the judgment in the aforesaid cross-objection would reflect that the Co-ordinate Bench of this Court adjudicated the award in the above cross-objection as the appellant/V.I.D.C. had accepted the said amount by withdrawing the appeal before the Lok-Adalat, which was preferred against the judgment and award of the Reference Court dated 02.05.2014 in Land Acquisition Case No.241 of 2006 wherein the Reference Court awarded the compensation at the rate of Rs.1,68,000/- per hectare for dry crop land situated at Mauza Nababpur, Tahsil Arvi, District Wardha.

5. The land of the cross-objectors/claimants in the present cross-objection is situated at village Nababpur and the said land was acquired under the same Notification issued under Section 4(2) published on 12.04.1999. As the issue involved in the present cross-objection is already decided by this Court in the aforesaid appeal and since the land of the cross-objectors being similarly situated, I do not find any reason to take a different view in this cross-objection.

6. In this view of the matter, for the reasons as stated in the judgment of this Court in Cross-Objection No.31 of 2018 in First Appeal No.433 of 2014, cross-objectors/claimants herein are also entitled to receive compensation for dry crop land Survey No.56/1 admeasuring

1.20 H.R. and Survey No.63 admeasuring 1.25 H.R. situated at Nababpur at the rate of Rs.1,68,000/- with all statutory benefits and interest. Hence, cross-objection filed by the claimants is partly allowed. Consequently, the judgment and decree of the Reference Court is modified as under :

(i) The cross-objectors/claimants are entitled for enhanced compensation at the rate of Rs.1,68,000/- per hectare for land Survey No.56/1 admeasuring 1.20 H.R. and Survey No.63 admeasuring 1.25 H.R. situated at Nababpur, Tahsil Arvi, District Wardha alongwith all statutory benefits and interest.

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

(iii) Appellant/VI.D.C. to deposit enhanced amount of compensation in terms of above order within a period of four months and thereafter the claimants shall be entitled to withdraw the same.

(iv) The cross-objectors shall not be entitled to claim interest for delayed period for filing cross objection, if any.

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

(vi) The cross-objection stand disposed of with no order as to costs.

JUDGE

Wagh