

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

**CROSS-OBJECTION NO.62 OF 2018
IN
FIRST APPEAL NO. 723 OF 2015 (D)**

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

...APPELLANT

V E R S U S

1. Marotrao s/o Lakhaji Khandekar,
Aged 79 years, Occuu. - Cultivator,
R/o Mirzapur (Neri), Tq. Arvi,
District Wardha.
(deceased through LRs)

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

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

...CROSS-OBJECTORS

2. The State of Maharashtra through
the Collector, Wardha.

3. Special Land Acquisition Officer,
Vidarbha Irrigation Development
Corporation, Wardha

...RESPONDENTS

Shri Abhijit Parihar, Advocate for appellant.
Shri Tushar Darda, Advocate for cross-objectors.
Ms H.N. Jaipurkar, A.G.P. for respondent Nos.2 & 3.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : 8th OCTOBER, 2021.

ORAL JUDGMENT :

Heard.

2. In this cross-objection, cross-objectors/legal representatives of original claimant take exception to the judgment and award dated 31.10.2012 passed in Land Acquisition Case No.186 of 2007 by the learned Civil Judge, Senior Division, Wardha, wherein the learned Reference Court awarded compensation at the rate of Rs. 1,25,000/- per hectare for the dry crop land of the cross-objectors situated at Survey No.60 admeasuring 1.42 H.R. at village Roshanpur, Tahsil Arvi, District Wardha.

3. Learned counsel appearing for the parties have pointed out that the appeal in which the present cross objection is filed, came to be withdrawn by the appellant/V.I.D.C before the Lok-Adalat held on 22.04.2018.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 is pleased to award compensation at the rate of Rs.1,68,000/- per hectare for dry crop land of the claimants therein situated at village 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 aforesaid cross-objection as the appellant/VI.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 had awarded compensation at the rate of Rs.1,68,000/- per hectare for dry crop land situated at Mauza Nababpur, Tahsil Arvi, District Wardha.

5. Since the land of the cross-objectors/claimants in the present cross-objection is situated at village Roshanpur and the said land was acquired under the same Notification issued under Section 4(2) published on 12.04.1999 and village Nababpur, Mahimapur and Roshanpur are adjoining villages, the claimants would be entitled for enhanced amount of compensation on the ground of parity. As the issue involved in the present cross-objection is already adjudicated 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 recorded 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.60 admeasuring 1.42 H.R. situated at Roshanpur at the rate of Rs.1,68,000/- with all statutory benefits and interest. Hence, cross-objection filed by the claimants is allowed. Consequently, the judgment and decree of the Reference Court is modified as under :

(i) The cross-objectors/legal representatives of original claimant are entitled for enhanced compensation at the rate of Rs.1,68,000/- per hectare for land Survey No.60 admeasuring 1.42 H.R. situated at 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) 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 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