

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

CROSS-OBJECTION NO.110 OF 2017
IN
FIRST APPEAL NO. 323 OF 2016 (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. Ramesh s/o Sadhuji Kathane,
Aged 69 years, Occ: Agriculturist,
R/o Neri, Tahsil, Arvi, Dist. Wardha.
(Deceased through LRs)

1-A. Smt. Alokabai Ramesh Kathane,
Aged about 70 years,
R/o Punarvasan, Neri, Tah. Neri,
Dist. Wardha.

1-B. Shri Mahesh Ramesh Kathane,
Aged about 55 years,
R/o 55 Arvi Pulgao Road,
Mirzapur, Tah. Neri, Dist. Wardha.

1-C. Shri Nilesh Ramesh Kathane,
Aged about Major,
R/o Punarvasan, Neri, Tah. Neri,
Dist. Wardha.

...CROSS OBJECTORS

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

3. Sub Divisional Officer and Special
Land Acquisition Officer, Arvi,
District Wardha

...RESPONDENTS

Shri S.K. Bhoyar, 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 11.01.2012 passed in Land Acquisition Case No.352 of 2005 by the learned 4th Joint Civil Judge, Senior Division, Wardha, wherein the learned Reference Court awarded compensation at the rate of Rs.2,00,000/- per hectare for the irrigated land of the cross-objectors situated at Survey No.14/1 admeasuring 1.55 H.R., village Neri, Tahsil Arvi, District Wardha.

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 Learned counsel appearing for the parties have pointed out that the present appeal came to be withdrawn by the appellant V.I.D.C before the Lok-Adalat held on 13.07.2019.

4. Learned counsel for the parties submit that this matter can be disposed of as the issue involved in this cross-objection has already

been considered by this Court in Cross Objection No.85 of 2017 in First Appeal No.847 of 2014.

5. I have perused the record and the aforesaid judgment in Cross-Objection No.85 of 2017 in First Appeal No.847 of 2014. I am satisfied that subject lands in both the matters are similarly situated. In this view of the matter, for the reasons stated in the afore cited judgment, the cross-objectors herein are entitled to receive compensation at the rate of Rs.3,68,510/- per hectare for their irrigated land.

6. In this view of the matter, the judgment and decree of the Reference Court needs to be modified and the same is modified as under :

(i) Cross Objection No.110 of 2017 is allowed.

(ii) The cross-objectors/legal representatives of original claimant are entitled for enhanced compensation at the rate of Rs.3,18,510/- per hectare for land Survey No.41/1 admeasuring 1.55 H.R. situated at Neri, Tahsil Arvi, District Wardha alongwith all statutory benefits.

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

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

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

(vi) 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 stands disposed of with no order as to costs.

JUDGE

Wagh