

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

FIRST APPEAL NO. 348 OF 2021

APPELLANT: Vidarbha Irrigation Development Corporation – though the Executive Engineer, Akola Irrigation Division, Akola, Tq. And Dist. Akola.

...VERSUS...

RESPONDENTS: 1] Ramkrishna Tukaram Mahalle,
(since dead) through L.Rs

A] Dilip Ramkrishna Mahalle,
Aged About 41 years, Occ. Agriculturist
(for self and qua power of attorney holder
of claimant Nos. 2 to 8)

B] Sulochana Ramkrishna Mahalle,
Aged about 85 years, Occ. Agriculturist.

C] Devidas Ramkrishna Mahalle,
Aged about 73 years, Occ. Agriculturist,

D] Kokila Deorao Gawande,
Aged about 68 years, Occ. Household,

E] Kusumbai Deorao Gawande,
Aged about 65 yeas, Occ. Household,

F] Smt. Karunatai Ramesh Bombare,
aged about 63 years, Occ. Household,

G] Vijay Ramkrishna Mahalle,
Aged about 55 years, Occ. Household

H] Chandrakant Ramkrishna Mahalle,
Aged about 42 years, Occ. Household.

I] Surekha Gunvantrao Wakode,
aged about 48 years, Occ. Household.

All are R/o. Dagadparva Tq. Barshi Takli,
Dist. Akola

- 2] State of Maharashtra,
Through Collector, Akola.
- 3] Special Land Acquisition Officer,
KPMP Akola, Tq. And Dist. Akola.

**WITH
CROSS OBJECTION NO. 29/2021
IN
FIRST APPEAL STAMP NO. 26085/2018**

Appellant : Vidarbha Irrigation Development
Corporation – through the Executive Engineer,
Akola Irrigation Division, Akola,
Tq. And Dist. Akola.

...VERSUS...

Respondents:

- 1] Ramkrishna Tukaram Mahalle,
(since dead) through L.Rs
- 1-a] Dilip Ramkrishna Mahalle,
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Aged about 73 years, Occ. Agriculturist,
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Aged about 68 years, Occ. Household,
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Aged about 55 years, Occ. Household
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CROSS OBJECTORS: 1] Dilip Ramkrishna Mahalle,
2] Sulochana Ramkrishna Mahalle,
3] Devidas Ramkrishna Mahalle,
4] Kokila Deorao Gawande,
5] Kusumbai Deorao Gawande,
6] Smt. Karunatai Ramesh Bombare,
7] Vijay Ramkrishna Mahalle,
8] Chandrakant Ramkrishna Mahalle,
9] Surekha Gunvantrao Wakode,

Cross objector Nos. 2 to 9 are represented
through Power of Attorney holder Shri
Dilip Ramkrishna Mahalle, (Cross Objectors
No.1)

Mrs. U.A.Patil, Advocate for appellant in appeal and cross objection
Mr. P.R.Agrawal, Advocate for Respondent Nos. 1(A) to 1(I) and Cross Objector
Nos. 1 to 9
Ms. N.P.Mehta, AGP for Respondent Nos. 2 and 3

CORAM : AVINASH G. GHAROTE, J.
DATE : 17/12/2021.

[Oral Judgment]

1] Heard Mrs. Patil, learned counsel for the appellant, Mr. Agrawal, learned counsel for Respondent Nos. 1(A) to 1(I) and learned AGP for Respondents Nos. 2 and 3.

2] **Rule.** Rule made returnable forthwith. Heard finally with consent of the learned counsels appearing for the parties.

3] The statement of Mr. Agrawal, learned counsel for respondent Nos. 1(A) to 1(I) as recorded in the order dated 10.12.2021 is not controverted by learned counsel for the appellant. She however submits that parity cannot be granted merely on that ground.

4] Since in **Pramilabai Manguji Ade vs. State of Maharashtra [2018 (3) Mh.L.J. 787]**, this Hon'ble Court has already decided rate of compensation permissible to lands which are falling in the same notification as is the land in the present appeal, in my considered opinion, the judgment in **Pramilabai** (supra) will have to be followed, considering which the appeal is dismissed and the cross-objection is allowed. The award passed by the learned Land

Acquisition Officer will stand modified in view of what has been held
in **Pramilabai** (supra).

JUDGE

Rvjalit