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

FIRST APPEAL NO. 1235 OF 2018
WITH
FIRST APPEAL NO. 1244 OF 2018
WITH
FIRST APPEAL NO. 712 OF 2019
WITH
FIRST APPEAL NO. 717 OF 2019
WITH
FIRST APPEAL NO. 801 OF 2019
WITH
FIRST APPEAL NO. 863 OF 2019
WITH
FIRST APPEAL NO. 274 OF 2020
WITH
FIRST APPEAL NO. 893 OF 2019
WITH
FIRST APPEAL NO. 894 OF 2019
WITH
FIRST APPEAL NO. 864 OF 2019
WITH
FIRST APPEAL NO. 897 OF 2019
WITH
FIRST APPEAL NO. 919 OF 2019
WITH
FIRST APPEAL NO. 286 OF 2021
WITH
FIRST APPEAL NO. 287 OF 2021
WITH
FIRST APPEAL NO. 552 OF 2022
WITH
FIRST APPEAL NO. 716 OF 2022
WITH
FIRST APPEAL NO. 955 OF 2022
WITH
FIRST APPEAL NO. 964 OF 2022

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FIRST APPEAL NO. 1235 OF 2018

APPELLANTS : 1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Canal Division, Bembla Project, Yavatmal, Tq. & Dist. Yavatmal.

2. The Executive Engineer, Nimn Painganga Project, Yavatmal, Tq. & Dist. Yavatmal.

//VERSUS//

RESPONDENTS : 1. Mangala Pramod Uttarwar, Age 55 Years, Occu. Agriculturist, R/o. Gujari, Tq. Ralegaon, Dist. Yavatmal.

2. The State of Maharashtra, through Collector Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project, Yavatmal, Tq. & Dist. Yavatmal.

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Mr. M.A. Kadu, Advocate for the Appellants.
Mr. A.B. Nakshane, Advocate for Respondent No.1.
Ms. Prachi Joshi, AGP for Respondent Nos.2 & 3.

****

WITH

FIRST APPEAL NO. 1244 OF 2018

APPELLANTS : 1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Canal Division, Bembla Project, Yavatmal, Tah. & Dist. Yavatmal.

2. The Executive Engineer, Nimn Painganga Project, Yavatmal, Tq. & Dist. Yavatmal.

//VERSUS//

RESPONDENTS : 1. Sachin Pramod Uttarwar, Age 30 Years, Occu. Agriculturist, R/o. Gujari, Tq. Ralegaon, Dist. Yavatmal.

2. The State of Maharashtra, through Collector Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project, Yavatmal, Tq. & Dist. Yavatmal.

****

Mr. M.A. Kadu, Advocate for the Appellants.
Mr. A.B. Nakshane, Advocate for Respondent No.1.
Ms. Sonia Thakur, AGP for Respondent Nos.2 & 3.

****

WITH
FIRST APPEAL NO. 712 OF 2019

APPELLANTS : 1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Project Canal Division, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

2. The Executive Engineer, Lower Painganga Project Department, Bembla Project Canal Division, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

//VERSUS//

RESPONDENTS : 1. Rajani Vijay Savarkar, Aged about 28 Years, Occupation : Cultivator, R/o. Gujari, Tq. Ralegaon, District Yavatmal.

2. The State of Maharashtra, through Collector, Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project, Yavatmal.

****

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. P.M. Pande, Advocate for Respondent No.1.
Ms. M.R. Kavimandan, AGP for Respondent Nos.2 & 3.

****

WITH
FIRST APPEAL NO. 717 OF 2019

APPELLANTS : 1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Project Canal Division, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

2. The Executive Engineer, Lower Painganga Project Department, Bembla Project Canal Division, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

//VERSUS//

RESPONDENTS : 1. Sushila Vijay Savarkar, Aged about 61 Years, Occupation : Cultivator, R/o. Gujari, Tq. Ralegaon, District Yavatmal.

2. The State of Maharashtra, through

Collector, Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project, Yavatmal.

****

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. P.M. Pande, Advocate for Respondent No.1.
Mr. Saurabh Joshi, AGP for Respondent Nos.2 & 3.

****

WITH
FIRST APPEAL NO. 801 OF 2019

APPELLANTS : 1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Irrigation Division, Yavatmal.

2. The Executive Engineer, Nimna Painganga Project, Bembla Project Canal Division, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

//VERSUS//

RESPONDENTS : 1. Archana Vijay Sawarkar, Aged about 39 Years, Occupation : Agriculturist, R/o. Gujari, Tq. Ralegaon, District Yavatmal.

2. The State of Maharashtra, through Collector, Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project Yavatmal, District Yavatmal.

****

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. P.M. Pande, Advocate for Respondent No.1.
Ms. Prachi Joshi, AGP for Respondent Nos.2 & 3.

****

WITH
FIRST APPEAL NO. 863 OF 2019

APPELLANTS : 1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Irrigation Division, Yavatmal.

2. The Executive Engineer, Bembla Project, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

//VERSUS//

RESPONDENTS : 1. Aananda Rambhau Savarkar, Aged about 73 Years, Occupation : Cultivator, R/o. Gujari, Tq. Ralegaon, District Yavatmal.

2. The State of Maharashtra, through Collector, Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project Yavatmal, District Yavatmal.

****

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. S.V. Ingole, Advocate for Respondent No.1.
Ms. Kavita H. Bhondge, AGP for Respondent Nos.2 & 3.

****

WITH
FIRST APPEAL NO. 274 OF 2020

APPELLANT : Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Irrigation Division (Earlier known as Bembla Canal Project Division), Yavatmal, District Yavatmal.

//VERSUS//

RESPONDENTS :
1. Yash Jitendrakumar Munot, Aged about 36 Years, Occ. Agriculturist/Business, R/o. Sindh Housing Society, Aundh, Pune, District Pune.
2. State of Maharashtra, through its Collector, Yavatmal.
3. The Special Land Acquisition Officer, Bembla Project Yavatmal, District Yavatmal.

****

Ms. A.S. Athalye, Advocate for the Appellant.
Mr. A.B. Nakshane, Advocate for Respondent No.1.
Ms. Kavita H. Bhondge, AGP for Respondent Nos.2 & 3.

****

WITH
FIRST APPEAL NO. 893 OF 2019

APPELLANTS :
1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Irrigation Division, Yavatmal.
2. The Executive Engineer, Bembla Project, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

//VERSUS//

RESPONDENTS : 1. Gajanan Bapurao Gonde, Aged about 68 Years, Occupation : Cultivator, R/o. Gujari, Tq. Ralegaon, District Yavatmal.

2. The State of Maharashtra, through Collector, Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project Yavatmal.

****

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. S.V. Ingole, Advocate for Respondent No.1.
Mr. M.A. Kadu, AGP for Respondent Nos.2 & 3.

****

WITH
FIRST APPEAL NO. 894 OF 2019

APPELLANTS : 1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Irrigation Division, Yavatmal.

2. The Executive Engineer, Lower Painganga Project, Bembla Project, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

//VERSUS//

RESPONDENTS : 1. Vishnu Rambhau Savarkar, Aged about 70 Years, Occupation : Cultivator, R/o. Gujari, Tq. Ralegaon, District Yavatmal.

2. The State of Maharashtra, through Collector, Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project Yavatmal, District Yavatmal.

****

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. P.M. Pande, Advocate for Respondent No.1.
Ms. Sonia Thakur, AGP for Respondent Nos.2 & 3.

****

WITH
FIRST APPEAL NO. 864 OF 2019

APPELLANTS : 1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Irrigation Division, Yavatmal.

2. The Executive Engineer, Lower Painganga Project, Bembla Project, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

//VERSUS//

RESPONDENTS : 1. Nikhilesh Vishnu Savarkar, Aged about 41 Years, Occupation : Cultivator, R/o. Gujari, Tq. Ralegaon, District Yavatmal.

2. The State of Maharashtra, through Collector, Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project Yavatmal, District Yavatmal.

****

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. P.M. Pande, Advocate for Respondent No.1.
Ms. Sonia Thakur, AGP for Respondent Nos.2 & 3.

****

WITH
FIRST APPEAL NO. 897 OF 2019

APPELLANTS : 1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Irrigation Division, Yavatmal.

2. The Executive Engineer, Bembla Project Division, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

//VERSUS//

RESPONDENTS : 1. Ramkrushna Marotrao Dhande, Aged about 64 Years, Occupation : Cultivator, R/o. Gujari, Tq. Ralegaon, District Yavatmal.

2. The State of Maharashtra, through Collector, Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project Yavatmal.

****

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. S.V. Ingole, Advocate for Respondent No.1.
Ms. M.R. Kavimandan, AGP for Respondent Nos.2 & 3.

****

WITH
FIRST APPEAL NO. 919 OF 2019

APPELLANTS : 1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Irrigation Division, Yavatmal.

2. The Executive Engineer, Bembla Project, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

//VERSUS//

RESPONDENTS : 1. Savita Arun Gonde, Aged about 43 Years, Occupation : Agriculturist, R/o. Gujari, Tq. Ralegaon, District Yavatmal.

2. The State of Maharashtra, through Collector, Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project Yavatmal, District Yavatmal.

****

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. S.V. Ingole, Advocate for Respondent No.1.
Mr. Saurabh Joshi, AGP for Respondent Nos.2 & 3.

****

WITH
FIRST APPEAL NO. 286 OF 2021

APPELLANTS : 1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Irrigation Division, Yavatmal.

2. The Executive Engineer, Nimna Painganga Project, Bembla Project, Yavatmal (Now Bembla Irrigation

Division, Yavatmal).

//VERSUS//

RESPONDENTS : 1. Rajesh Venkatrao Sawarkar, Aged about 52 Years, Occupation : Agriculturist, R/o. Gujari, Tq. Ralegaon, District Yavatmal.

2. The State of Maharashtra, through Collector, Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project Yavatmal, District Yavatmal.

****

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. P.M. Pande, Advocate for Respondent No.1.
Ms. Prachi Joshi, AGP for Respondent Nos.2 & 3.

****

WITH
FIRST APPEAL NO. 287 OF 2021

APPELLANTS : 1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Irrigation Division, Yavatmal.

2. The Executive Engineer, Bembla Project, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

//VERSUS//

RESPONDENTS : 1. Yogesh Bhaurao Gonde, Aged about 45 Years, Occupation : Agriculturist, R/o. Gujari, Tq. Ralegaon, District Yavatmal.

2. The State of Maharashtra, through Collector, Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project Yavatmal, District Yavatmal.

****

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. S.V. Ingole, Advocate for Respondent No.1.
Ms. Prachi Joshi, AGP for Respondent Nos.2 & 3.

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WITH
FIRST APPEAL NO. 552 OF 2022

APPELLANT : VIDC, through the Executive Engineer, Bembla Project, Yavatmal, Tq. & Dist. Yavatmal.

//VERSUS//

RESPONDENTS :

1. Rajendra Nanaji Gonde, Aged Major, Occ: Agriculturist, R/o. Savangi, Tq. Ralegaon, Dist. Yavatmal.

2. The State of Maharashtra, through Collector, Yavatmal.

3. Special Land Acquisition Officer, Bembla Project, District Yavatmal.

****

Mr. H.D. Marathe, Advocate for the Appellant.
Mr. S.V. Ingole, Advocate for Respondent No.1.
Ms. Kavita H. Bhondge, AGP for Respondent Nos.2 & 3.

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WITH
FIRST APPEAL NO. 716 OF 2022

APPELLANT : Executive Engineer, Nimna Painganga Project, Bembla Project Canal Division, Yavatmal, Tq. & Dist. Yavatmal.

//VERSUS//

RESPONDENTS :
1. Dattatray Maroti Dhande, Age 77 Years, Occ. Agriculturist.
2. Krushnarao Dattatray Dhande, Age 52 Years, Occ. Agriculturist.

   Both R/o. Gujari, Tq. Ralegaon, Dist. Yavatmal.
3. State of Maharashtra, through its Collector, Yavatmal, Tq. & Dist. Yavatmal.
4. Special Land Acquisition Officer, Bembla Project, Yavatmal, Tq. & Dist. Yavatmal.

****

Ms. Ira P. Khisti, Advocate for the Appellant.
Mr. Bhalchandra Mandhare, Advocate for Respondent Nos.1 & 2.
Mr. M.A. Kadu, AGP for Respondent Nos.3 & 4.

****

WITH
FIRST APPEAL NO. 955 OF 2022

APPELLANTS :
1. Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Irrigation Division, Yavatmal.
2. The Executive Engineer, Bembla Project, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

//VERSUS//

RESPONDENTS : Bhaurao Govinda Gonde since dead through LR's

1. Vimal Bhaurao Gonde, Aged about 70 Years, Occupation : Agriculturist.
2. Sunil Bhaurao Gonde, Aged about 70 Years, Occupation : Agriculturist.
3. Yogesh Bhaurao Gonde, Aged about 70 Years, Occupation : Agriculturist.
4. Chhaya Vidhyadhar Garud, Aged about 70 Years, Occupation : Agriculturist.
5. Sushma Subhas Dhate, Aged about 70 Years, Occupation : Agriculturist.

   All R/o. Gujari, Tq. Ralegaon, District Yavatmal.
6. The State of Maharashtra, through Collector, Yavatmal, Tq. & Dist. Yavatmal.
7. The Special Land Acquisition Officer, Bembla Project Yavatmal, District Yavatmal.

****

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. S.V. Ingole, Advocate for Respondent Nos.1 to 5.
Ms. Sonia Thakur, AGP for Respondent Nos.6 & 7.

****

WITH
FIRST APPEAL NO. 964 OF 2022

APPELLANTS : 1. Vidarbha Irrigation Development Corporation, Nagpur through its

Executive Engineer, Bembla Canal Project, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

2. The Executive Engineer, Bembla Project, Yavatmal (Now Bembla Irrigation Division, Yavatmal).

//VERSUS//

RESPONDENTS : 1. Abhilesh Vishnu Savarkar, Aged about 39 Years, Occupation : Agriculturist, R/o. Gujari, Tq. Ralegaon, District Yavatmal.

2. The State of Maharashtra, through Collector, Yavatmal, Tq. & Dist. Yavatmal.

3. The Special Land Acquisition Officer, Bembla Project Yavatmal, District Yavatmal.

****

Mr. Vinay Dahat, Advocate for the Appellants.
Mr. P.M. Pande, Advocate for Respondent No.1.
Ms. M.R. Kavimandan, AGP for Respondent Nos.2 & 3.

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CORAM : G. A. SANAP, J.
DATED : 7th MAY, 2024.

ORAL JUDGMENT

. All the above appeals can be disposed of by a common judgment. In all these appeals, challenge is to the judgment and award passed by the Reference Court in different land references filed by the claimants/land owners. The Acquiring Body has filed

these appeals contending that the market price of the acquired land in each reference determined by the Reference Court was excessive and exorbitant.

02] The acquired lands in all these references are situated at village Gujari, Tahsil Ralegaon, District Yavatmal. The acquisition of the lands was for Bembla Project, Yavatmal. The Notification under Section 4 of the Land Acquisition Act was published in the Government Gazette in the year 2007.

03] Learned advocates for the claimants, appearing in their respective appeals, submit that the appeal arising out of the judgment and award passed by the Reference Court pertaining to Section 4 Notification dated 13th September, 2007 was settled between the Acquiring Body and the claimant. It is pointed out that it was ***First Appeal No.624/2021 [Vidarbha Irrigation Development Corporation, through its Executive Engineer, Bembla Irrigation Division, Yavatmal & Anr. Vs. Ramchandra Gunaji Fulmali & Ors., decided on 25.09.2021].*** It is pointed out that in respect of the acquired land subject-matter of First Appeal No.624/2021, as per Section 4 Notification dated 13th September, 2007, the Acquiring Body and the claimant have amicably settled

the dispute before the Lok-Adalat. It is pointed out that the Acquiring Body has settled the dispute and thereby agreed to pay the market price @ Rs.4,20,000/- per hectare in respect of the land situated at village Sawargaon, acquired under Section 4 Notification dated 13th September, 2007.

04] Learned advocates for the claimants submit that all the above appeals are squarely covered by the decision rendered by settlement in First Appeal No.624/2021 before the Lok-Adalat. Learned advocates for the claimants submit that all the above appeals are liable to be dismissed.

05] Learned Assistant Government Pleaders as well as learned advocates appearing for the Acquiring Body submitted that for the reasons mentioned in the settlement, the award was accepted. It is submitted that, therefore, this award cannot be made the basis to decide all these appeals.

06] I have gone through the record and proceedings. Perusal of the record reveals that the land situated at village Sawargaon as well as the land situated at village Gujari were acquired for the same purpose. It has come on record that the acquisition was for

the construction of a canal. It is, therefore, apparent on the face of the record that a small extent of the land was acquired in each case. In respect of the land situated at village Gujari, relying upon other judgments of the Reference Court, the market price of the dry-crop land has been determined @ Rs.4,20,000/- per hectare, and for seasonally irrigated land @ Rs.6,30,000/- per hectare. The parties have adduced evidence. On the basis of the evidence, the distance and similarity between the lands has been established. Similarly, the evidence has not been adduced by the appellants to rebut all these facts. The compensation for similarly situated lands needs to be uniformed. The Court has to ensure that there shall be no discrimination between the two landowners while awarding compensation. In my view, therefore, all these appeals are squarely covered by the decision rendered by this Court in ***First Appeal No.1737/2019 [Vidarbha Irrigation Development Corporation & Anr. Vs. Jayantilal Jethalal Rupali & Ors. with connected appeals, decided on 07.05.2024].***

07] In view of this, I conclude that the market price of the dry-crop land determined by the Reference Court @ Rs.4,20,000/- per hectare, and for seasonally irrigated land @ Rs.6,30,000/- per hectare is just, proper, and reasonable. All these appeals are fully

covered by the decision rendered by this Court in First Appeal No.1737/2019. As such, I do not see any substance in these appeals. The appeals are accordingly **dismissed**.

08] The Acquiring Body shall deposit the amount of compensation and other benefits within four months from the date of uploading of the judgment.

09] Liberty to the claimants to withdraw the amount as and when deposited, if it is not already deposited.

(G. A. SANAP, J.)

Vijay