



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

FIRST APPEAL NO. 204 OF 2013
WITH
CROSS-OBJECTION NO. 35 OF 2024

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FIRST APPEAL NO. 204 OF 2013

APPELLANT : Vidarbha Irrigation Development Corporation, through its Executive Engineer, Minor Irrigation Division No.2, Chikhali.

//VERSUS//

RESPONDENTS : 1. Namdeo Bhimrao Jadhav (since dead) through his legal heirs.

1A. Sumanbai Namdeo Jadhav, Aged about 61 Years.

1B. Anil Namdeo Jadhav, Aged about 38 Years.

1C. Sunil Namdeo Jadhav, Aged about 35 Years.

All R/o. Kardi, Tq. & Dist. Buldhana.

2. The Special Land Acquisition Officer, Minor Irrigation Works, Buldhana.

Mr. J.B. Kasat, Advocate for the Appellant.

Mr. R.B. Dhore, Advocate with Mr. A.B. Kale, Advocate for Respondent Nos.1A to 1C.

Mr. Ganesh Umale, AGP for Respondent No.2.

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CROSS-OBJECTION NO. 35 OF 2024

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//VERSUS//

RESPONDENTS : 1. Viderbha Irrigation Development Corporation, through Executive Engineer, Minor Irrigation Division-II, Chikhali, Buldhana.

2. Special Land Acquisition Officer, Minor Irrigation Works, Buldhana.

Mr. R.B. Dhore, Advocate with Mr. A.B. Kale, Advocate for the Cross-objectors.

Mr. J.B. Kasat, Advocate for Respondent No.1.

Mr. Ganesh Umale, AGP for Respondent No.2.

CORAM : G. A. SANAP, J.

DATED : 27th MARCH, 2024.

ORAL JUDGMENT

. In this appeal, challenge is to the judgment and award dated 15.01.2011, passed by the learned Civil Judge (Senior Division), Buldhana (for short “the Reference Court”), whereby the claim for enhancement of compensation was partly allowed.

02] The factual position in the present appeal is as under:-

Kardi Minor Irrigation Tank, District Buldhana			
Date of Notification under Section 4 of the Land Acquisition Act, 1894.			16.09.1993
Address of property	Details of property	LAO Award Dated 27.03.1996	Ref. Court Award Dated 15.01.2011
Village: Kardi , Tahsil & District : Buldhana	Gat No.39 0H 15R	Rs.22,000/- per hectare	Rs.2,80,000/- per hectare

03] Respondent Nos.1A to 1C filed the reference before the Collector, Buldhana. The Collector, Buldhana, made over the reference to the Civil Court. It is the case of respondent Nos.1A to 1C that their land was irrigated. According to them, the price of the land determined by the Land Acquisition Officer was inadequate. According to them, the market price of the acquired land was more than Rs.3,00,000/- per hectare. The Reference Court, on the basis of the evidence, partly allowed the reference and enhanced the compensation from Rs.22,000/- to Rs.2,80,000/- per hectare.

04] The appellant/Acquiring Body, being aggrieved by this judgment and award, has filed this appeal. Respondent Nos.1A to 1C have filed the cross-objection.

05] I have heard learned advocates for the parties. Perused the record and proceedings.

06] Learned advocates for the parties submit that this appeal is covered by the decision rendered by this Court in *First Appeal No. 968/2012 [Vidarbha Irrigation Development Corporation thr. its Executive Engineer, Minor Irrigation Division No.2, Chikhali, Buldhana Vs. Subhash Narayan & Anr. on 27.03.2024]*

07] On going through the record and proceedings, it is seen that the land was acquired for the purpose of Kardi Minor Irrigation Tank. The date of award in both the cases is same. It is, therefore, apparent that the land in First Appeal No.968/2012 is similarly situated with the land of the claimants. The Reference Court has held that the land of the claimants was irrigated land. The land in First Appeal No.968/2012 was also irrigated land. In my view, the Reference Court has rightly determined the market price of the land. As such, no interference is warranted in the well-reasoned judgment and award passed by the Reference Court. As a

result of this, the appeal is **dismissed**. No order as to costs.

08] As far as the cross-objection is concerned, on going through the judgment and award, I conclude that the Reference Court has awarded just, proper, and reasonable compensation on the basis of the two sale deeds discussed in First Appeal No.968/2012. As such, the contention of the cross-objectors that the market price of the dry crop land would be Rs.1,80,000/- cannot be accepted. Their contention that they are entitled to get double the price of dry crop land in respect of the acquired land as such cannot be accepted. The cross-objection, therefore, is **dismissed**. No order as to costs. Pending applications, if any, stand disposed of.

(G. A. SANAP, J.)

Vijay