



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

CROSS OBJECTION NO. 56 OF 2018

IN

FIRST APPEAL NO. 590 OF 2008 (D)

The Executive Engineer,
Bembla Project Division,
Vidarbha Irrigation Department
Corporation, Awadhutwadi,
Tq. and Dist. Yavatmal.

..... **Appellant/
Non-applicant**

// VERSUS //

- 1) Govindrao Laxmanrao Mehatre (Dead)
through his legal representatives :
- 1-a) Smt. Kusum Wd/o Govindrao Mehatre,
Aged about 73 years, Occ.-Housewife,
R/o. Chandore Nagar, Dhamangaon Road,
Yavatmal – 445 001.
- 1-b) Shri Prashant S/o Govindrao Mehatre,
Aged about 46 years, Occ.-Business,
R/o. Ashok Layout, Arni,
Yavatmal – 445 103.
- 1-c) Shri Shashank S/o Govindrao Mehatre,
Aged about 50 years, Occ.-Business,
R/o. Chandore Nagar, Dhamangaon Road,
Yavatmal – 445 001.
- 1-d) Shrikant S/o Govindrao Mehatre,
Aged about 48 years, Occ.-Business,
R/o. Plot No.16-A, Shrihari Nagar-1,
Manewada Square, Ring Road,
Nagpur – 440 027.
- 2) Purushottam Laxmanrao Mehatre,
Aged about Major, Occ.-Agriculturist,

- 3) Jageshwar Laxmanrao Mehatre,
Aged about 64 years, Occ.-Agriculturist,
- 4) Bhaskar Laxmanrao Mehatre,
Aged about Major, Occ.-Agriculturist,
- 5) Kamlabai Ganpatrao Shinde,
Aged about Major, Occ.-Household,
- 6) Vimlabai Shriramji Badhe,
Aged about Major, Occ.-Household,
- 7) Sau. Panchfula Ramraoji Mehar,
Aged about Major, Occ.-Household,

No.2 to 7 are representing through
Power of Attorney holder Shri
Purushottam Laxmanrao Mehatre,
Aged about Major, Occ.-Agriculturist,
R/o. Bhatmarg, Tah. Babhulgaon,
District – Yavatmal.

..... Cross Objectors

- 8) The State of Maharashtra,
Represented by Collector, Yavatmal,
Tq. & Dist. Yavatmal.
- 9) The Special Land Acquisition Officer,
Bembla Project Yavatmal,
Tq. and Dist. Yavatmal.

..... Respondents

Mrs. S. K. Paunikar, Advocate for Cross-objectors.
Mr. A. B. Patil, Advocate for Appellant/Non-applicant.
Ms. Mukta Kavimandan, Assistant Government Pleader for
Respondent Nos.8 and 9.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 19th NOVEMBER, 2024.

ORAL JUDGMENT.

1. The First Appeal No.590/2008 is preferred against the Judgment and Award passed by 2nd Adhoc Additional District Judge, Yavatmal dated 30.08.2006 in Land Acquisition Case No.84/2005 by the acquiring body, which was disposed of as withdrawn by the Appellant/acquiring body, in which this Cross-objection is filed by the Cross-objectors/Respondents.

2. The challenge under this cross-objection is about land bearing Gat No.8, admeasuring 1-H. 42-R., situated at village Nagari, Taluka Babhulgaon, District Yavatmal was acquired for public purpose under the “Bembla Project”. Under the same project, other lands were acquired under the same notification and same purposes.

3. Learned Advocate for the cross-objectors is relying upon the Order and Award passed by the Hon’ble Supreme Court in Special Lok Adalat held at Yavatmal in ***Civil Application No.426/2023 and SLP No. 11900/2019 (Dnyaneshwar Rajaram Mehetre (Dead) through LRs. Vs. The State of Maharashtra and others)*** dated 30.07.2024 and 01.08.2024, wherein the Hon’ble Supreme Court settled the quantum of compensation and enhanced the amount of compensation @ Rs.1,39,500/- per hectare along with statutory benefits for acquired land of village Nagari, Tahsil Babhulgaon, District Yavatmal. The learned Advocate for the cross-objectors

submitted that land of cross-objectors is situated near to the land situated in ***Civil Application No.426/2023 and SLP No. 11900/2019***. She, therefore, prayed to award the same rate of compensation to the cross-objectors by applying principle of parity.

4. Perused the impugned judgment as well as Award passed by the Hon'ble Supreme Court in Special Lok Adalat in ***Civil Application No.426/2023 and SLP No. 11900/2019*** cited *supra*.

5. The admitted facts are that land bearing Gat No.8, admeasuring 1-H. 42-R., situated at village Nagari, Taluka Babhulgaon, District Yavatmal was acquired by notification dated 14.01.1999 according to the Award passed on 19.03.2001. By the Award No.32/47/1997-98, the Land Acquisition Officer awarded compensation @ Rs.55,831/- per hectare. Being aggrieved by it, the claimants/cross-objectors had filed a reference under Section 18 of the Land Acquisition Act, 1894. The learned Reference Court enhanced the amount and awarded compensation @ Rs.70,000/- per hectare. However, on going through the Order and Award passed in ***Civil Application No.426/2023 and SLP No. 11900/2019*** cited *supra* in respect of the lands situated at village Nagari, Taluka Babhulgaon, District Yavatmal of same village, this Court is satisfied that this cross-objection is fully covered by the Award passed in ***Civil***

Application No.426/2023 and SLP No. 11900/2019 cited *supra*. It is not disputed by the other side. Therefore, the cross-objectors are also entitled for same rate of compensation on the principle of parity as the land of cross-objectors was situated at same village and acquired for same purpose.

6. Considering all above reasons and by applying the principle of parity, the cross-objection deserves to be partly allowed. The cross-objectors are entitled enhanced compensation @ Rs.1,39,500/- per hectare along with statutory benefit as per terms of Settlement recorded in ***Civil Application No.426/2023 and SLP No. 11900/2019***. The impugned judgment and award of the Reference Court deserves to be set aside and modified.

7. The cross-objection is **partly allowed**.

8. The cross-objectors are entitled for compensation @ **Rs.1,39,500/-** (Rs. One Lakh Thirty Nine Thousand Five Hundred only) **per hectare** for acquired land bearing Gat No.8, admeasuring 1-H. 42-R., situated at village Nagari, Taluka Babhulgaon, District Yavatmal, to that extent impugned judgment and award is modified along with statutory benefits as per terms of Settlement recorded in ***Civil Application No.426/2023 and SLP No. 11900/2019***, except the

period for which the delay was caused in filing the cross-objection and it was condoned by this Court by order dated 10.07.2018.

9. The Non-applicant/acquiring Body is directed to calculate the appropriate compensation as per above rate and deposit the remaining amount in this Court within six months.

10. The cross-objectors are required to pay the deficit Court fee, if any, on the enhanced amount of compensation.

11. After depositing the amount, the cross-objectors are entitled to withdraw the same and no any further application or order is required for directions to the registry.

12. The registry is directed accordingly to pay that amount.

13. The Cross-objection is **disposed of** accordingly.

(SANJAY A. DESHMUKH, J.)