



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

CROSS OBJECTION NO. 83 OF 2017

IN

FIRST APPEAL NO. 196 OF 2015 (D)

Vidarbha Irrigation Development
Corporation, through its
Executive Engineer,
Khadakpurna Project,
Tq. Deulgaonraja, Dist. Buldhana.

.... **APPELLANT**
(RESPONDENT)

// **VERSUS** //

- 1) Baban Balwant Shingne,
Aged about 60 years,
Occupation – Agriculturist,
R/o. Garkhed, Tq. Deulgaon Raja,
Dist. Buldhana.

.... **CROSS-OBJECTOR**
APPLICANT

- 2) The State of Maharashtra,
Through Collector, Buldhana.

- 3) Special Land Acquisition Officer,
Buldhana.

.... **RESPONDENTS**

WITH

FIRST APPEAL NO. 911 OF 2014

Vidarbha Irrigation Development
Corporation, through its
Executive Engineer,
Khadakpurna Project,
Tq. Deulgaonraja, Dist. Buldhana.

.... **APPELLANT**

// **VERSUS** //

- 1) Vyankat Martandrao Shingne (Dead)
through his Legal Representatives :

- (1-a) Usha wd/o Vyankat Shingne,
Aged about 45 years, Occ.- Housewife,

- (1-b) Shivshankar s/o Vyankat Shingne,
Aged about 29 years, Occ.-Cultivator,
Both R/o. Garkhed, Tq. Deulgaon Raja,
Dist. Buldhana
- 2) The State of Maharashtra,
Through Collector, Buldhana.
- 3) Special Land Acquisition Officer,
Buldhana.

.... **RESPONDENTS**

WITH

CROSS OBJECTION NO. 58 OF 2017

IN

FIRST APPEAL NO. 911 OF 2014

Vidarbha Irrigation Development
Corporation, through its
Executive Engineer,
Khadakpurna Project,
Tq. Deulgaonraja, Dist. Buldhana.

.... **APPELLANT**
(RESPONDENT)

// VERSUS //

- 1) Vyankat Martandrao Shingne (Dead)
through his Legal Representatives :
- (1-a) Usha wd/o Vyankat Shingne,
Aged about 45 years, Occ.- Housewife,
- (1-b) Shivshankar s/o Vyankat Shingne,
Aged about 29 years, Occ.-Cultivator,
Both R/o. Garkhed, Tq. Deulgaon Raja,
Dist. Buldhana.
- 2) The State of Maharashtra,
Through Collector, Buldhana.
- 3) Special Land Acquisition Officer,
Buldhana.

.... **CROSS-OBJECTORS**
APPLICANTS

.... **RESPONDENTS**

Mr. Abhijit Parihar, Advocate for Appellant in appeal and for Respondent in Cross-objections.

Mr. K. S. Narwade, Advocate for Respondent No.1 in appeal and for Cross-objectors in both Cross-Objections.

Mr. S. C. Joshi, Assistant Government Pleader for Respondent Nos.2 and 3 in appeal and both Cross-Objections.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 28th NOVEMBER, 2024.

COMMON JUDGMENT.

1. All these appeal and cross-objections arises out of common Judgment and Award passed by Joint Civil Judge, Senior Division, Buldhana, dated 30.08.2013 in Land Acquisition Case No.9/2002 and Land Acquisition Case No.55/2002 along with connected matters. Hence, all these appeal and cross-objections are being disposed of by this common judgment.

2. In Cross-objection No.83/2017, the reference filed by claimant/cross-objector was partly allowed and the compensation was enhanced for the acquired land @ Rs. 2,05,000/- per hector for the irrigated land bearing Gat No.9, admeasuring 50 R. as well as Rs.3182/- per tree for 100 Mosambi trees, situated at village Garkheda, Tahsil Deulgaon Raja, District Buldhana., which was acquired for “Khadakpurna Project”.

3. In Appeal No.911/2017 and Cross-objection No.58/2017, the reference filed by claimant/cross-objector was partly allowed and the compensation was enhanced for the acquired land @ Rs. 2,05,000/- per hector for the irrigated land bearing Gat No.184, admeasuring 1.42 HR. as well as Rs.3182/- per tree for 150 Mosambi trees, Rs.906/- per tree for 3 Bor trees and Rs.7063/- per tree for 3 Mango trees, situated at village Garkheda, Tahsil Deulgaon Raja, District Buldhana, which was acquired for “Khadakpurna Project”.

4. Being aggrieved by the decision of the learned Reference Court, the acquiring body and claimants/cross-objectors have filed these appeals and cross-objections.

5. The Cross-objection No.83/2017 is filed in First Appeal No.196/2015, the said first appeal was already dismissed for non compliance of order of this Court.

6. Heard learned Advocates for both sides.

7. Learned Advocate for the cross-objectors submitted that the appeal and cross-objections are covered by the decision rendered by this Court in ***First Appeal No. 229 of 2015 (Vidarbha Irrigation Development Corporation through its Executive Engineer Vs. Jankiram Shripat Shigne (Dead) through LRs. and two others)*** along with connected matters, decided on ***28th March, 2024***. It is not disputed by other side.

8. Perused the common judgment and award passed by the Reference Court and judgment passed in ***First Appeal No. 229 of 2015*** cited *supra*. It is seen that there was no mistake or illegality on the part of the Reference Court while determining the market price of the acquired lands as well as fruit trees. The lands acquired in these appeal and cross-objections as well as acquired in ***First Appeal No. 229 of 2015*** are one and same village and acquired for the same purpose. It is admitted fact that the above referred judgment was delivered against the same common judgment who is challenged in these appeal and cross-objections. Considering this fact, all these appeal and cross-objections were fully covered by the decision rendered in ***First Appeal No. 229 of 2015***. Therefore, the appeal filed by the acquiring body and cross-objections filed by cross-objectors are without substance and deserve to be dismissed.

9. In the result, all these appeal and cross-objections stand **dismissed** on the basis of principle of parity in terms of the above referred judgment. No order as to costs.

(SANJAY A. DESHMUKH, J.)