



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

FIRST APPEAL NO. 668 OF 2022

Vidarbha Irrigation Development
Corporation, Through its
Executive Engineer,
Bembla Canal Division, Yavatmal,
Distrist - Yavatmal.

.... **APPELLANT**

// VERSUS //

- 1) Bhanudas Gopal Muneshwar,
(**Dead**) through Legal Representatives:
- 1-a) Smt. Shardabai wd/o Bhanudas Muneshwar,
Aged about 58 years, Occ.-Household,
- 1-b) Ashish s/o Bhanudas Muneshwar,
Aged about 32 years, Occ.-Agriculturist,
Both R/o. Juni Vasti Bhosa,
Tah. and Dist. Yavatmal.
- 1-c) Puja w/o Shrikant Shanbharkar,
Aged about 27 years, Occ.-Housewife,
R/o. Mohgaon, Sonegaon (Lodhi),
Nagpur, Tah. and Dist. Nagpur.
- 2) Sau. Sharada Bhanudas Muneshwar,
Aged Major, Occ.-Agriculturist,
R/o. Sawargaon, Tq. Kalamb,
District Yavatmal.
- 3) The State of Maharashtra,
Through Collector, Yavatmal.
- 4) Special Land Acquisition Officer,
Bembla Project, Yavatmal,
Tq. and Dist. Yavatmal.

.... **RESPONDENTS**

Mr. Aditya Gohokar, Advocate for Appellant.

Mr. S. V. Ingole, Advocate for Respondent No.1-a to 1-c and 2.

Ms. Ritu Sharma, Assistant Government Pleader for
Respondent Nos.3 and 4.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 14th DECEMBER, 2024.

COMMON JUDGMENT.

1. This appeal is preferred against the Judgment and Award passed by 4th Joint Civil Judge, Senior Division, Yavatmal, dated 12.02.2020 in Land Acquisition Case No.404/2016.

2. The land bearing Gat No.3318, admeasuring 0.16 HR. situated at village Sawargaon, Tahsil Kalamb, District Yavatmal was acquired by the appellant – Acquiring Body for the purpose of “Bembla Project”. The Notification under Section 4 was issued on 13.09.2007 and Award was passed on 27.10.2009 in L.A.C. No.76/47/2005-06. The Land Acquisition Officer awarded compensation @ Rs.1,11,000/- per hectare to the claimants.

3. Being aggrieved, the claimants have filed a reference under Section 18 of the Land Acquisition Act, 1894 for enhancing an amount of compensation. The learned Reference Court, after

appreciating the evidence, enhanced the amount of compensation @ Rs.6,30,000/- per hectare for the acquired land to the claimants.

4. Being dissatisfied by the decision of the learned Reference Court, the appellant – Acquiring Body, have filed this appeal for quashing and setting aside the impugned judgment and award, as exorbitant amount of compensation was awarded by the Reference Court.

5. Heard learned Advocates for both sides.

6. Learned Advocate Mr. S.V. Ingole for the respondent Nos.1-a to 1-c and No.2, submitted that the appeal is covered by the decision rendered by this Court in ***First Appeal No. 1737 of 2019*** (*Vidarbha Irrigation Development Corporation through its Executive Engineer, Canal Division, Bembla Project, Yavatmal & Another Vs. Jayantilal Jethalal Rupali and two others*) along with connected matters, decided on ***07th May, 2024***, and prayed to dismiss the appeal. It is not disputed by other side.

7. Perused the judgment and award passed by the Reference Court and judgment passed in ***First Appeal No. 1737 of 2019*** 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 land as the land of the claimants was seasonally irrigated land. In the above referred judgment, compensation awarded by Reference Court @ Rs.6,30,000/- per hectare, was confirmed by this Court, by dismissing the appeals filed by acquiring body, as the lands were seasonally irrigated lands. The land acquired in this appeal as well as acquired in *First Appeal No. 1737 of 2019* are one and same village and acquired for the same purpose. The land of the claimants was also seasonally irrigated land. Considering this fact, this appeal is fully covered by the decision rendered in *First Appeal No. 1737 of 2019*. Therefore, the appeal filed by the appellant - Acquiring Body is without substance and deserves to be dismissed.

8. In the result, the appeal stands **dismissed** on the basis of principle of parity in terms of the above referred judgment. No order as to costs.

(SANJAY A. DESHMUKH, J.)