



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

**FIRST APPEAL NO. 355 OF 2023
AND
CROSS OBJECTION NO. 65 OF 2024**

FIRST APPEAL NO. 355 OF 2023

Vidarbha Irrigation Development
Corporation, Through its
Executive Engineer,
Minor Irrigation Division,
Karanja Lad, Dist. Washim.

.... **APPELLANT**

// VERSUS //

- 1) Sheikh Hasan Ahmed Gulam Dastgir,
Aged about 61 years,
Occupation – Agriculturist,
R/o. Kamargaon, Tq. Karanja Lad,
District Washim.
- 2) State of Maharashtra,
The Collector, Washim,
Tq. and Dist. Washim, through
The Special Land Acquisition Officer,
No.2, Washim.

.... **RESPONDENTS**

WITH

**CROSS OBJECTION NO. 65 OF 2024
IN
FIRST APPEAL NO. 355 OF 2023**

Sheikh Hasan Ahmad Gulam Dastgir,
Aged about 37 years,
Occupation – Agriculturist,
R/o. Kamargaon, Tq. Karanja Lad,
District Washim.

.... **CROSS-OBJECTOR**

// VERSUS //

- 1) Vidarbha Irrigation Development Corporation, through Executive Engineer, Minor Irrigation Division, Karanja Lad, Dist. Washim.
- 2) State of Maharashtra, The Collector, Tq. and Dist. Washim, Through the Special Land Acquisition Officer, No.2, Washim.

.... **RESPONDENTS**

Mr. K. P. Mahalle, Advocate for Appellant in FA No.355/2023 and for Respondent No.1 in XOB No.65/2024.

Ms. B. V. Reddy, Advocate for Respondent No.1 in FA No.355/2023 and for Cross-objector in XOB No.65/2024.

Mr. S. C. Joshi, Assistant Government Pleader for Respondent No.2 in FA No.355/2023 & XOB No.65/2024.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 19th DECEMBER, 2024.

ORAL JUDGMENT.

1. The First Appeal No.355 of 2023 and Cross-Objection No.65 of 2024 are preferred against the judgment and award passed by Civil Judge, Senior Division, Mangrulpir, District Washim, dated 01.07.2017, in Land Acquisition Case No.72/2014 (Old LAC No.262/2010).

2. The challenge under this appeal and cross-objection is about the land bearing Gat No.10/1, admeasuring 0H. 91R., situated at Shivar Undari, Tahsil Karanja (Lad), District Washim, was acquired

for public purpose under the “Undari Project”. Under the same project, other lands were acquired under the same notification and same purpose. The land was acquired by the Award passed in LAC No.8/47/2003-04, dated 20.05.2008. The Land Acquisition Officer awarded compensation @ Rs.49,900/- per hectare for acquired land, Rs.6,615/- for Orange trees and Rs.31,615/- for Well. Being aggrieved, the claimant had filed a reference under Section 18 of the Land Acquisition Act, 1894 for enhancement of amount of compensation.

3. The learned Reference Court after appreciating the evidence, enhanced the amount of compensation @ Rs.1,60,000/- per hectare for acquired land, Rs.5,000/- per Orange tree for total 245 Orange trees, and Rs.1,50,000/- for a Well, along with statutory benefits.

4. Being aggrieved, the acquiring body filed this appeal for setting aside the impugned Judgment and award, as an exorbitant amount of compensation was awarded by the learned Reference Court. In this appeal, the claimant filed Cross objection for enhancement of amount of compensation, as learned Reference Court awarded meager compensation.

5. Heard learned Advocates for both sides.

6. Learned Advocate for the parties submitted that this appeal and cross-objection are covered by the decision rendered by this Court in ***First Appeal No. 547/2021 With Cross Objection No.62/2024*** (*Vidarbha Irrigation Development Corporation through its Executive Engineer Minor Irrigation Division, Karanja Lad Vs. Mo. Nayeem Mo. Yunus and another*), decided on **29th November, 2024**.

7. Perused the impugned judgment and award passed by the learned Reference Court and above referred judgment passed in ***First Appeal No. 547/2021 With Cross Objection No.62/2024***. It is seen that there was no mistake or illegality on the part of the learned Reference Court, while determining the market price of the acquired land, Orange trees and Well. The land and Orange trees acquired in this appeal and cross-objection as well as acquired in ***First Appeal No. 547/2021 With Cross Objection No.62/2024*** are one and same village and acquired for the same purpose. Considering this fact, this appeal and cross-objection are fully covered by the decision rendered in ***First Appeal No. 547/2021 With Cross Objection No.62/2024***. Therefore, the appeal filed by the acquiring body and cross-objection filed by cross-objector are without substance and deserve to be dismissed.

8. In the result, the first appeal and cross-objection 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.)

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