



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

FIRST APPEAL NO. 176 OF 2013

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

.... **APPELLANT**

// VERSUS //

- 1) Bababai S/o Ramdas Sanase,
Aged about 81 years,
Occupation – Agriculturist,
R/o. Kardi, Tq. and Dist. Buldhana
- 2) The Special Land Acquisition Officer,
Minor Irrigation Works Buldhana.

.... **RESPONDENTS**

WITH

CROSS OBJECTION NO. 69 OF 2024

IN

FIRST APPEAL NO. 176 OF 2013

Bababai S/o Ramdas Sanase,
Aged about 81 years,
Occupation – Agriculturist,
R/o. Kardi,
Tq. and Dist. Buldhana.

.... **CROSS-OBJECTOR**

// VERSUS //

- 1) Vidarbha Irrigation Development
Corporation, through Executive Engineer,
Minor Irrigation Division No.II,
Chikhali, Buldhana
- 2) Special Land Acquisition Officer,
Minor Irrigation Works Buldhana.

.... **RESPONDENTS**

WITH**FIRST APPEAL NO. 180 OF 2013**

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

.... **APPELLANT**

// VERSUS //

- 1) Shankar S/o Narayan Tayde,
Aged about 63 years,
Occupation – Agriculturist,
R/o. Kardi, Tq. and Dist. Buldhana

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

.... **RESPONDENTS**

WITH**CROSS OBJECTION NO. 70 OF 2024****IN****FIRST APPEAL NO. 180 OF 2013**

Shankar S/o Narayan Tayde,
Aged about 47 years,
Occupation – Agriculturist,
R/o. Kardi,
Tq. and Dist. Buldhana

.... **CROSS-OBJECTOR**

// VERSUS //

- 1) Vidarbha Irrigation Development
Corporation, through Executive Engineer,
Minor Irrigation Division No.II,
Chikhali, Buldhana

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

.... **RESPONDENTS**

WITH**FIRST APPEAL NO. 1047 OF 2012**

Vidarbha Irrigation Development
Corporation, through its
Executive Engineer,
Minor Irrigation Division No.2,
Chikhali, Distt. Buldhana.

.... **APPELLANT**

// VERSUS //

- 1) Ramdhan S/o Yeduba Tayde,
Aged about 46 years,
Occupation – Agriculturist,
R/o. Kardi, Tq. and Dist. Buldhana

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

.... **RESPONDENTS**

WITH**CROSS OBJECTION NO. 68 OF 2024****IN****FIRST APPEAL NO. 1047 OF 2012**

Ramdhan S/o Yeduba Tayde, (**Dead**)
Through his legal representatives :

- (a) Ishwar Ramdhan Tayde,
Aged about 45 years, Occ.– Agriculturist,
R/o. Kardi, Tq. and Dist. Buldhana.
- (b) Gangubai Ramdhan Tayde,
Aged about 76 years, Occ.-Household,
R/o. Kardi, Tq. and Dist. Buldhana.
- (c) Nandaram Ramdhan Tayde,
Aged about 54 years, Occ.– Agriculturist,
R/o. Kardi, Tq. and Dist. Buldhana.
- (d) Anita Totaram Sapkal,
Aged about 52 years, Occ.– Agriculturist,
R/o. Moundhala, Tq. and Dist. Buldhana.

(e) Dilip Ramdhan Tayde,
Aged about 49 years, Occ.– Agriculturist,
R/o. Kardi, Tq. and Dist. Buldhana.

(f) Rameshwar Ramdhan Tayde,
Aged about 47 years, Occ.– Agriculturist,
R/o. Kardi,
Tq. and Dist. Buldhana.

.... **CROSS-OBJECTORS**

// **VERSUS** //

1) Vidarbha Irrigation Development
Corporation, through Executive Engineer,
Minor Irrigation Division No.II,
Chikhali, Buldhana

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

.... **RESPONDENTS**

Mr. J. B. Kasat, Advocate for Appellant in all appeals.
Mr. R. B. Dhore, Advocate for Respondent No.1 in all appeals
and Cross-objectors in all Cross-Objections.
Ms. Hemlata Dhande, Assistant Government Pleader for
Respondent No.2 in all appeals and all Cross-Objections.
Mr. M. A. Kadu, Advocate for respondent No.1 in all Cross-
Objections.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 22nd NOVEMBER, 2024.

COMMON JUDGMENT.

1. All these appeals and cross-objections arises out of one and same Award dated 27.03.1996 passed by Land Acquisition Officer in L.A.C. No.7/1991-1992, in respect of agriculture lands situated at village Karadi, Tahsil and District Buldhana. Hence, all these appeals are being disposed of by this common judgment.

2. First Appeal No.176 of 2013 and Cross-Objection No.69 of 2024 are preferred against the judgment and award passed by Joint Civil Judge, Senior Division, Buldhana, dated 17.01.2011 in Land Acquisition Case No.129/1996, whereby the reference filed by respondent No.1/cross-objector was partly allowed and the compensation was enhanced for the acquired land @ Rs. 1,40,000/- per hector for the dry crop land bearing Gat No.46 total admeasuring 2.84 HR. out of which admeasuring 56.8 R. situated at village Karadi, Tahsil and District Buldhana.

3. First Appeal No.180 of 2013 and Cross-Objection No.70 of 2024 are preferred against the Judgment and decree dated 15.01.2011 passed by Joint Civil Judge, Senior Division, Buldhana in Land Acquisition Case No.95 of 1996, whereby the reference filed by respondent No.1/cross-objector was partly allowed and the compensation was enhanced for the acquired lands @ Rs. 1,40,000/- per hector for the dry crop land bearing Gat No.46, admeasuring 1.37 HR. and @ Rs.2,80,000/- per hectare for the irrigated land bearing Gat No.47 admeasuring 1.06 HR., situated at village Karadi, Tahsil and District Buldhana.

4. First Appeal No.1047 of 2012 and Cross-Objection No.68 of 2024 are preferred against the judgment and award passed by

Joint Civil Judge, Senior Division, Buldhana, dated 05.01.2011 in Land Acquisition Case No.41/1996, whereby the reference filed by respondent No.1/cross-objector was partly allowed and the compensation was enhanced @ Rs.2,80,000/- per hectare for the irrigated land bearing Gat No.214, total admeasuring 2.24 HR., out of which admeasuring 1.12 HR. of the acquired land, situated at village Karadi, Tahsil and District Buldhana.

5. Heard learned Advocates for both sides.

7. Learned Advocate for the parties submit that these appeals and cross-objections are covered by the decision rendered by this Court in ***First Appeal No. 968 of 2012*** (*Vidarbha Irrigation Development Corporation through its Executive Engineer Vs. Subhash Narayan and one another*), decided on **27th March, 2024**.

8. Perused the judgments and awards passed by the Reference Court and judgment passed in ***First Appeal No. 968 of 2012*** 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. The lands acquired in these appeals and cross-objections as well as in ***First Appeal No. 968 of 2012*** are one and same village and acquired for the same purpose. Considering this

fact, all these appeals and cross-objections were fully covered by the decision rendered in ***First Appeal No. 968 of 2012***. Therefore, all these appeals 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 appeals 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.)