



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
FIRST APPEAL NO. 420 OF 2022

1. **Vidarbha Irrigation Development Corporation,** **APPELLANTS**
through its Executive Engineer, Bembla Project
Division, Yavatmal, Tq. And Dist. Yavatmal
2. **The Executive Engineer, Bembla Project**
Division, Yavatmal, Tq. And Dist. Yavatmal

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Shri Bapurao Nago Waghade (Died) through his ... **RESPONDENTS**
legal heirs

1. **Sau. Shevantabai Bapurao Waghade,**
Age : 55 years, Occ: Agriculturist

R-1 deleted as per Court's
order dated 15.03.2023 LRs
of R1 are already on record

2. **Ramrao Bapurao Waghade,**
Age : 45 years, Occ: Agriculturist

3. **Gajanan Bapurao Waghade,**
Age :- 40 years, Occ: Agriculturist

4. **Deorao Bapurao Waghade,**
Age : 32 years, Occ: Agriculturist

5. **Bhaurao Bapurao Waghade,**
Age : 28 years, Occ: Agriculturist

6. **Sau Pushpa Chandrabhangi Nehare,**
Occ.: Household

7. **Sau. Lata Dipakrao Murkahe,**
Occ.: Agriculturist

All R/o Gujar, Tq. Relegaon, Dist.
Yavatmal, through their Power of Attorney
No.3.

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

Mr Mangesh Kadu, Advocate for the appellants.
Mr. S.V. Ingole, Advocate for LR's of respondent No.1.
Ms Prachi Joshi, AGP for respondent Nos. 8 and 9.

WITH
FIRST APPEAL NO.670 OF 2022

1. **Vidarbha Irrigation Development Corporation,** **... APPELLANTS**
through its Executive Engineer, Bembla Canal
Division, Yavatmal, Tq. And Dist. Yavatmal
2. **The Executive Engineer, Bembla Project**
Yavatmal, Tq. And Dist. Yavatmal

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1. **Sau. Indubai Prabhakar Gonde,** **... RESPONDENTS**
Age: 48 years, Occ.: Agriculturist,
R/o Gujar, Tq. Ralegaon, Dist. Yavatmal
2. **The State of Maharashtra,**
Represented by the Collector Yavatmal
3. **Special Land Acquisition Officer, Bembla**
Project Yavatmal, Tq. and Dist. Yavatmal

Mr Mangesh Kadu, Advocate for the appellants.
Mr S.V. Ingole, Advocate for the respondent No.1
Ms Prachi Joshi, AGP for respondent Nos. 2 and 3.

WITH
FIRST APPEAL NO.473 OF 2023

1. **Vidarbha Irrigation Development Corporation,** **... APPELLANTS**
through its Executive Engineer, Irrigation

Division, Bembla Project, Yavatmal, Tq. And
Dist. Yavatmal

2. **The Executive Engineer, Bembla Canal Division**
Yavatmal, through the Executive Director,
V.I.D.C., Nagpur

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1. **Shri Subhash Narayan Sawarkar,** **... RESPONDENTS**
Aged about- Major, Occ.: Agriculturist,
R/o Gujar, Tq. Ralegaon, Dist. Yavatmal
2. **The State of Maharashtra,**
through its Collector Yavatmal, Tq. and Dist.
Yavatmal
3. **The Special Land Acquisition Officer, Bembla**
Project Yavatmal, Yavatmal

Mr Mangesh Kadu, Advocate for the appellants.
Mr. S.V. Ingole, Advocate for respondent No.1.
Ms Mukta Kavimandan, AGP for respondent Nos. 2 and 3

WITH
FIRST APPEAL NO.587 OF 2023

1. **Vidarbha Irrigation Development Corporation,** **.... APPELLANTS**
through its Executive Engineer, Bembla Project,
Yavatmal, Tq. And Dist. Yavatmal
2. **The Executive Engineer, Bembla Project**
Yavatmal, Tq. And Dist. Yavatmal

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1. **Bhupesh Bhauraoji Warade** **... RESPONDENTS**
Aged about : 55 years, Occ.: Agriculturist,
R/o Gujar, Tq. Ralegaon, Dist. Yavatmal
2. **The State of Maharashtra,**
through the Collector Yavatmal

3. **Special Land Acquisition Officer, Bembla**
Project Yavatmal, Tq. and Dist. Yavatmal

Mr Mangesh Kadu, Advocate for the appellants.
Mr S.V. Ingole, Advocate for the respondent No.1
Mr. S.V. Joshi, AGP for respondent Nos. 2 and 3

WITH
FIRST APPEAL NO.913 OF 2023

1. **Vidarbha Irrigation Development Corporation, APPELLANTS**
through its Executive Engineer, Irrigation
Division Bembla Project, Yavatmal, Tq. And
Dist. Yavatmal
2. **The Executive Engineer, Bembla Project**
Yavatmal, Tq. And Dist. Yavatmal

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1. **Sau. Savita Arun Gonde, ... RESPONDENTS**
Age: 35 years, Occ.: Agriculturist,
R/o Gujar, Tq. Ralegaon, Dist. Yavatmal
2. **The State of Maharashtra,**
Through Collector Yavatmal
3. **The Special Land Acquisition Officer, Bembla**
Project Yavatmal, Tq. and Dist. Yavatmal

Mr Mangesh Kadu, Advocate for the appellants.
Mr S.V. Ingole, Advocate for the respondent No.1
Ms Kavita Bhondge, AGP for respondent Nos. 2 and 3

WITH
FIRST APPEAL NO.448 OF 2024

1. **Vidarbha Irrigation Development Corporation, APPELLANTS**
through its Executive Engineer, Irrigation
Division and Bembla Canal Division, Yavatmal,

- Tq. And Dist. Yavatmal
2. **The Executive Engineer, Bembla Project**
Yavatmal,

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1. **Shri Khushal Tanba Waghade** **... RESPONDENTS**
Aged: 50 years, Occ.: Agriculturist,
R/o Gujari, Ralegaon, Tq. Ralegaon, Dist.
Yavatmal
2. **The State of Maharashtra,**
Through its Collector Yavatmal
3. **The Special Land Acquisition Officer, Bembla**
Project Yavatmal, Tq. and Dist. Yavatmal

Mr Mangesh Kadu, Advocate for the appellants.
Mr. S.V. Ingole, Advocate for respondent No.1.
Ms Sonia Thakur, AGP for respondent Nos. 2 and 3

CORAM : G. A. SANAP, J.

DATE : 09/05/2024

ORAL JUDGMENT :

01] All the above appeals can be disposed of by a common judgment. In all these appeals, challenge is to the judgment and award passed by the Reference Court in different land references filed by the claimants/land owners. The Acquiring Body has filed these appeals contending that the

market price of the acquired land in each reference determined by the Reference Court was excessive and exorbitant.

02] The acquired lands in all these references are situated at village Gujari, Tahsil Ralegaon, District Yavatmal. The acquisition of the lands was for Bembla Project, Yavatmal. In First Appeal Nos.420/2022 and 670/2022 Section 4 Notification is dated 22.02.2007. In First Appeal Nos.473/2023, 448/2024 and 587/2023 section 4 notification is dated 26.07.2007 and in First Appeal No.913/2023 section 4 notification is dated 12.02.2007. Respondents-claimants, except the State and Special Land Acquisition Officer, in all these appeals are the owners of the lands subject matter of the references/appeals.

03] Respondents-claimants filed the references before the Collector stating that the compensation awarded in some

references @ of Rs.88,200/- and in some references @ Rs.82,400/- was not just, proper and reasonable. The Collector made over the references to the Civil Court. Learned Civil Judge, on consideration of the evidence on record, enhanced the compensation in all these references to Rs.4,20,000/- per hectare. The Acquiring Body has challenged the judgments and awards in above appeals.

04] The acquiring body and the State opposed the references. They denied the material facts stated in the reference applications. The sum and substance of their reply was that the market price of the acquired lands determined by the SLAO was just, proper and reasonable.

05] Learned Advocates for the parties submit that these appeals are in respect of the acquisition of the lands of the respondents-claimants, who are residents of village Gujar Tq. Ralegaon, District Yavatmal. Learned Advocates submit that

lands in these appeals were acquired for Bembla Canal Project. Learned Advocates submit that these appeals are covered by the decision of this Court in *First Appeal No.1235/2018 (V.I.D.C. through Executive Engineer Canal Division Bembla Project, Yavatmal and another Vs. Mangala Pramod Uttarwar) with connected matters* decided on 07.05.2024.

06]. Learned Advocates submit that as far as the village Gujar is concerned, in First Appeal No.1235/2018 this Court has dismissed the appeals filed by the acquiring body and maintained the judgment and award passed by the Reference Court, whereby the compensation was enhanced to Rs.4,20,000/- (Rupees Four Lacs Twenty Thousand Only) per hectare in respect of the acquired lands. In all these appeals relying upon the evidence placed on record Reference Court has quantified the market price of the acquired lands at the rate of Rs.4,20,000/-.

07] On going through the record, I am satisfied that the land of the respondents-claimants in these appeals are similarly situated in all respects with the lands in First Appeal No.1235/2018. I am satisfied that these appeals are covered by the decision rendered in First Appeal No.1235/2018. As such, I do not see any substance in these appeals. These appeals are accordingly dismissed.

08] The Acquiring Body shall deposit the amount of compensation and other benefits within four months from the date of uploading of the judgment.

09] Liberty to the claimants to withdraw the amount as and when deposited, if it is not already deposited.

10] The first appeals stand disposed of. No order as to costs. Pending applications, if any, stand disposed of.

(G. A. SANAP, J.)

Manisha