



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

FIRST APPEAL No.428 OF 2024

1. Vidarbha Irrigation Development Corporation,
Through its Executive Engineer, Bembla Project
Division, Yavatmal, Tq. & Distt. Yavatmal.
2. Executive Engineer, Bembla Project Division,
Yavatmal, Tah. & Distt. Yavatmal. : APPELLANTS

...VERSUS...

Ramchandra Lahnu Dahake (dead)
Through L.Rs.
Shrimati Lilabai Ramchandra Dakahe (dead)

1. Vijay Ramchandra Dahake,
Aged about 44 years,
Occupation : Agriculturist,
R/o. Pahur, Tah. Babhulgaon, Distt. Amravati.
2. Sau. Sushila Babarao Bhusate,
Aged about 46 years,
Occupation : Homemaker,
R/o. Marda, Tah. Tiwda, Distt. Amravati.
3. Sau. Mandabai Prakashrao Shrirao,
Aged about 36 years,
Occupation : Homemaker.

01 and 03 R/o. Samarthwadi, Distt. Yavatmal.
02 and 04 R/o. Vrundavan Apartment, Civil Lines, Nagpur.

4. Krushna Lahanu dahake (dead),
Through Legal Representatives
4A. Narayan @ Narendra Krushna Dahake,
Aged about 53 years,
Occupation : Agriculturist,
R/o. Wadgaon Road, Yavatmal,
Distt. Yavatmal.

5. Tulsabai Ramkrushna Busate (dead),
Through Legal Representatives

5A. Madhavrao Ramkurhsna Bhusate,
Aged about 60 years,
Occupation : Agriculturist,
R/o. Anjanshingi, Tah. Dhamangaon,
Distt. Amravati.

6. State of Maharashtra,
Through Collector, Yavatmal.

7. Special Land Acquisition Officer,
Bembla Project, Yavatmal,
Tah. & Distt. Yavatmal.

: RESPONDENTS

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Mr. M.A. Kadu, Advocate for Appellants.
Mr. A.B. Nakshane, Advocate for Respondent Nos.1 to 5.
Mr. P.P. Pendke, Asstt. Government Pleader for Respondent Nos.6 and 7.

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 26th JUNE, 2024.

ORAL JUDGMENT :

1. Heard. The matter is taken up for final hearing with the consent of the learned counsel for the parties.

2. It is submitted by the learned counsel for the parties that in view of the adjudication in First Appeal St. No.189/2018 (VIDC and another Vs. Vasant Nanaji Patre and others) dated 19.12.2018 arising from village Pahur, Taluka Babhulgaon, Distt. Yavatmal, the present appeal can be disposed of.

3. In First Appeal St. No.189/2018, this Court has held that an amount of Rs.750/- per square meter for an open plot of land acquired from village Pahur, Taluka Babhulgaon, Distt. Yavatmal would be fair compensation. The Notification under Section 4 of the Land Acquisition Act, 1894 in this appeal is dated 11.5.2000 which was the same notification in respect of the subject matter of the appeal mentioned above. The same rate of compensation arising out of same award granted in the First Appeal No.1891/2018 deserves to be granted to the appellants on the basis of parity. Therefore, it is not necessary to discuss the evidence etc.

4. Hence, for the reasons stated in First Appeal St. No.189/2018 (VIDC and another Vs. Vasant Nanaji Patre and others) dated 19.12.2018, this appeal is partly allowed as under :

- (i) The impugned Judgment and award of the Reference Court in L.A.C. No.161/2010, dated 6.12.2023 is partly modified.
- (ii) The claimants are held entitled to receive an amount of Rs.750/- per square meter for Plot No.634, admeasuring 93.10 square meters. They are also entitled to receive an amount of Rs.3,000/- per square meter for constructed portion admeasuring 48.52 square meters.

- (iii) Other directions in the impugned award are confirmed.
- (iv) The appellants are directed to deposit the enhanced amount within a period of six months.
- (v) The Appeal is disposed of with no order as to costs.
- (vi) The appellants are directed to pay Court fee on excess amount of compensation as granted above within two weeks.

(SANJAY A. DESHMUKH, J.)