



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

WRIT PETITION NO. 4199 OF 2024

- 1) Dilip Sheshrao Nagpure,
Aged 52 years, Occ. – Agriculturist,
R/o C/o. Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 2) Dilip Pandurang Kale,
Aged 60 years, Occ. – Agriculturist,
R/o C/o. Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 3) Indubai Bhaurao Wankhede,
Aged 70 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 4) Lilabai Manohar Ghode,
Aged 50 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 5) Mangesh Narayan Dhoke,
Aged 38 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 6) Manoj Narayan Dhoke,
Aged 48 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 7) Nandkishor Narayan Dhoke,
Aged 60 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 8) Nitin Narayan Dhoke,
Aged 48 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.

- 9) Vitthal Bala Ghongale (Dead) through his Legal Heir Amrut Vitthal Ghongale, Aged 68 years, Occ. – Agriculturist, R/o Pimpalkhuta, Taluka Babhulgaon, District Yavatmal.
- 10) Vitthal Parasram Kale, Aged 50 years, Occ. – Agriculturist, R/o Pimpalkhuta, Taluka Babhulgaon, District Yavatmal.
- 11) Vasant Keshrao Raut, Aged 65 years, Occ. – Agriculturist, R/o Pimpalkhuta, Taluka Babhulgaon, District Yavatmal.
- 12) Amrut Manikrao Okare (Dead) through his Legal Heir Vilas Amrut Okare, Aged 55 years, Occ. – Agriculturist, R/o Pimpalkhuta, Taluka Babhulgaon, District Yavatmal.
- 13) Manohar Namdev Munjewar, Aged 44 years, Occ. – Agriculturist, R/o Pimpalkhuta, Taluka Babhulgaon, District Yavatmal.
- 14) Nana Namdeo Munjewar, Aged 68 years, Occ. – Agriculturist, R/o Pimpalkhuta, Taluka Babhulgaon, District Yavatmal.
- 15) Arun Keshravrao Jadhav, Aged 70 years, Occ. – Agriculturist, R/o Pimpalkhuta, Taluka Babhulgaon, District Yavatmal.
- 16) Triguna Maroti Jadhav, Aged 65 years, Occ. – Agriculturist, R/o Pimpalkhuta, Taluka Babhulgaon, District Yavatmal.
- 17) Udebhan Karu Rangari, Aged 65 years, Occ. – Agriculturist, R/o Pimpalkhuta, Taluka Babhulgaon, District Yavatmal.

- 18) Panjab Ramchandra Saratkar (Dead)
through his Legal Heir
Narayan Panjab Saratkar,
Aged 63 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 19) Bajirao Dama Maraskolhe,
Aged 68 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 20) Bhimraoji Dajiba Mane (Dead)
through his Legal Heir
Someshwar Bhimraoji Mane,
Aged 45 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 21) Bhimrao Balwant Nagpure (Dead)
through his Legal Heir
Rajendra Bhimrao Nagpure,
Aged 50 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 22) Bisan Shravan Sahare,
Aged 64 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 23) Chintaman Damadu Thanekar (Dead)
through his Legal Heir
Manohar Chintaman Thanekar,
Aged 54 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 24) Eknath Mahadev Jadhav (Dead)
through his Legal Heir Ajay Eknath Jadhav,
Aged 55 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.

- 25) Indubai Suresh Thavre (Dead)
through her Legal Heir
- 25a) Sangeeta Anil Nagpure,
Aged 55 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 25b) Anita Dilip Ingale,
Aged 50 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 25c) Jyotsana Mangesh Devarkar,
Aged 48 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 26) Janardan Zango Jadhav (Dead)
through his Legal Heir
Pralhad Janardan Jadhav,
Aged 63 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 27) Kisan Madgu Meshram,
Aged 75 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 28) Lilabai Shamrao Kamble (Dead)
through her legal Heir,
Shridhar Shyamrao Kamble,
Aged 60 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 29) Maroti Shravan Sahare,
Aged 62 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 30) Murlidhar Babarao Kanse,
Aged 63 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.

- 31) Namdev Damadu Thanekar (Dead)
through his Legal Heir
Gajanan Namdev Thanekar,
Aged 55 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 32) Bhaurao Balwant Nagpure,
Aged 80 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 33) Parvata Shankar Ghongade,
Aged 80 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 34) Prabhakar Rajaram Ghongade,
Aged 70 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 35) Rajendra Haridas Nagpure,
Aged 63 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 36) Ramesh Keshav Ghongade (Dead)
through his Legal Heir
Gajanan Ramesh Ghongade
Aged 52 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 37) Sanjay Omkar Bonde,
Aged 58 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.
- 38) Suresh Tukaram Sahare,
Aged 55 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.

39) Suvarna Sanjay Bansod,
Aged 60 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.

40) Ramdas Mahadev Shrirame,
Aged 62 years, Occ. – Agriculturist,
R/o Pimpalkhuta, Taluka Babhulgaon,
District Yavatmal.

.... **PETITIONERS**

VERSUS

1) The State of Maharashtra,
Irrigation Department,
through its Secretary, Mantralaya,
Mumbai.

2) The Collector, Yavatmal.

3) The Special Land Acquisition Officer,
and Deputy Collector, Bembla Project,
Yavatmal.

4) The Executive Engineer,
Bembala Project Department, Yavatmal,
Tahsil and District Yavatmal.

.... **RESPONDENTS**

Mr. P.S. Kshirsagar, Counsel for the petitioners,
Mr. N.R. Patil, A.G.P for the respondent Nos. 1 to 3,
Ms. M.V. Bhabhulkar, Counsel h/f. Mr. M.A. Kadu, Counsel for respondent
No.4.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 16-04-2025

JUDGMENT : (Per : ABHAY J. MANTRI, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard finally, with
the consent of the counsel for the parties.

2. By this petition, the petitioners challenge the order dated 09-02-2023 passed by respondent No.3-The Special Land Acquisition Officer and Deputy Collector, Bembla Project, Yavatmal, thereby rejected the application filed by the petitioners-land owners under Section 28-A of the Land Acquisition Act, 1894 (for short, 'Act of 1894') based on judgment dated 17-09-2019 in Land Acquisition Case No.425/2025 and judgment dated 15-11-2022 in Land Acquisition Case No.336/2015.

3. The learned Counsel for the petitioners contended that the issue involved in the present case is covered by the judgment dated 20-02-2024 passed in Writ Petition No.2495/2023 (*Gunvanta Maroti Mohod and others V State of Maharashtra and others*) and, therefore, he submitted to dispose of the petition in terms of what has been held in the said judgment.

In response, the learned Assistant Government Pleader for respondents Nos.1 to 3 and the learned Counsel for respondent No.4 have neither disputed the said fact nor the mandate laid down in the said judgment. On the contrary, it is conceded that the facts are identical.

4. Having considered the same, in our considered opinion, this issue is no longer *res integra* but is covered by the judgment in Writ Petition No. 2495/2023. As such, we deem it appropriate to allow the petition in terms of what has been held in the judgment in Writ Petition No.2495/2023. Accordingly, the petition is allowed in terms of the decision in Writ Petition No.2495/2023. As a sequel, the impugned order dated 09.02.2023 is hereby quashed and set aside, and the matter is remitted back to the respondent No.4 to consider the application filed by the petitioners under section 28-A of the said Act. All questions are kept open.

5. Needless to clarify that the amount of rehabilitation compensation awarded earlier should be considered while awarding the compensation under Section 28-A of the Act of 1894, provided that the compensation received under the rehabilitation has to be adjusted with the compensation under Section 28-A of the Act of 1894, if granted earlier.

6. The writ petition is disposed of in the above terms. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)