



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

FIRST APPEAL NO.546 OF 2022

Appellants

: Shri Bharti Maharaj Deosthan,
through Dnyaneshwarrao Aakaji Mehtre,
(Since dead, through its Legal Representative)

(Ori. Claimant No.1)

1. Dadarao s/o Dnyaneshwarrao Mehtre,
Aged about 62 years, Occupation : Agriculturist,
R/o Pushpakunj Society, Wadgaon Road, Yavatmal,
District Yavatmal (On R.A.)

(Ori. Claimant No.3)

2. Smt. Premabai Marotrao Sarode,
(Since dead through its Legal Representative)
- 2-A Sachin Sadhuji @ Marotrao Sarode,
Aged about 40 years, Occupation : Private Job,
R/o Vidarbha Housing Society, Yavatmal (On R.A.)
- 2-B Kishor Sadhuji @ Marotrao Sarode,
Aged about 53 years, Occupation : Private Job,
R/o Mata Mandir Ward, Hinganghat,
Tq. Hinganghat, District Wardha (On R.A.)
- 2-C Shital Nitin Alone,
Aged about 45 years, Occupation : Housewife,
R/o Renuka Mangal Karyalay, Prabhat Nagar,
Yavatmal (On R.A.)

(Ori. Claimant No.4)

3. Sau. Nandatai w/o Dnyaneshwarrao Manmode,
Aged about 64 years, Occupation : Housewife,
R/o Shivaji Ward, Hinganghat, Tq. Hinganghat,
District Wardha (On R.A.)

– Versus –

Respondents

(Ori. Defendant No.1)

: 1. The State of Maharashtra,
represented by the Collector, Yavatmal,
Tq. & Distt. Yavatmal (On R.A.)

(Ori. Defendant No.2)

2. The Special Land Acquisition Officer,

- (Ori. Defendant No.3) Bembla Project, Yavatmal,
Tq. & Distt. Yavatmal (On R.A.)
3. The Executive Engineer,
Bembla Project, Yavatmal,
Tq. & Distt. Yavatmal (On R.A.)
- (Ori. Claimant No.2) 4. Gajanan s/o Dnyaneshwarroa Mehtre,
[Lrs. of original appellant]
Aged about 59 years, Occupation – Agriculturist,
R/o Prajapati Nagar, Yavatmal, District Yavatmal.

CROSS APPEAL NO.34 OF 2026

Cross Objector
(Ori. Respondent No.4 and
Ori. Claimant No.1)

- : Gajanan s/o Dnyaneshwarroa Mehtre,
Aged about 61 years, Occupation – Agriculturist,
R/o Prajapati Nagar, Yavatmal, District Yavatmal
(On R.A.)
– Versus –

Respondents
(Ori. Defendant No.1)

(Ori. Claimant No.1)

(Ori. Claimant No.3)

- Shri Bharti Maharaj Deosthan,
through Dnyaneshwar Aakaji Mehtre,
(Since dead, through its Legal Representative)
1. Dadarao s/o Dnyaneshwarrao Mehtre,
Aged about 62 years, Occupation : Agriculturist,
R/o Pushpakunj Society, Wadgaon Road, Yavatmal,
District Yavatmal (On R.A.)
2. Smt. Premabai Marotrao Sarode,
(Since dead through its Legal Representative)
- 2-A Sachin Sadhuji @ Marotrao Sarode,
Aged about 40 years, Occupation : Private Job,
R/o Vidarbha Housing Society, Yavatmal (On R.A.)
- 2-B Kishor Sadhuji @ Marotrao Sarode,
Aged about 53 years, Occupation : Private Job,
R/o Mata Mandir Ward, Hinganghat,
Tq. Hinganghat, District Wardha (On R.A.)
- 2-C Shital Nitin Alone,

- Aged about 45 years, Occupation : Housewife,
R/o Renuka Mangal Karyalay, Prabhat Nagar,
Yavatmal (On R.A.)
- (Ori. Claimant No.4) 3. Sau. Nandatai w/o Dnyaneshwarrao Manmode,
Aged about 55 years, Occupation : Housewife,
R/o Shivaji Ward, Hinganghat, Tq. Hinganghat,
District Wardha (On R.A.)
- (Ori. Defendant No.1) : 4. The State of Maharashtra,
represented by the Collector, Yavatmal,
Tq. & Distt. Yavatmal (On R.A.)
- (Ori. Defendant No.2) 5. The Special Land Acquisition Officer,
Bembla Project, Yavatmal,
Tq. & Distt. Yavatmal (On R.A.)
- (Ori. Defendant No.3) 6. The Executive Engineer,
Bembla Project, Yavatmal,
Tq. & Distt. Yavatmal (On R.A.)

Mr. S.T. Thakre, Advocate for the Appellants.

Mr. M.A. Kadu, A.G.P for Respondent Nos.1 and 2.

Ms. Ashwini Athalye, Advocate for Respondent Nos.3.

Mr. S.N. Chinchbankar, Advocate for Respondent No.4/Cross Objector.

CORAM : **Y.G. KHOBRAGADE, J.**

DATE : **6th MAY, 2026.**

JUDGMENT :

01. Heard the learned Counsel appearing for the parties as well as
the learned A.G.P

02. By the present appeal, the appellants takes exception to the
Judgment and Award dated 22/01/2007 passed in L.A.C. No.201/2003 by the

Ad-hoc District Judge-1, Yavatmal, thereby granted compensation at the rate of Rs.200/- per square metre for the open land admeasuring 98 square metres along with compensation under other components.

03. The learned Counsel appearing for the appellants canvassed that, the V.I.D.C., the acquiring body framed the policy for payment of compensation for the acquired land in respect of Bembla Project from Village Nagri, Tahsil Babhulgaon, District Yavatmal and fixed the rate of Rs.500/- per square metre for the open plot along with 25% rise in the construction cost. However, the learned trial Court only awarded compensation for the open plot at the rate of Rs.200/- per square metre. Therefore, prayed for modification of the impugned judgment and award to the extent of awarding compensation.

04. To buttress his submissions, the learned Counsel for the appellants/claimants placed reliance on the judgment of this Court in Executive Engineer, Bembla Project (for Vidarbha Irrigation Development Corporation, Nagpur), Yavatmal vs. Dnyaneshwar Aakaji Mehtre (since dead through Lrs.) and others in First Appeal No.1032/2007, wherein this Court enhanced the compensation and directed the acquiring body to pay compensation at the rate of Rs.500/- per square metre along with statutory benefits for the open plot acquired for the Bembla Project from Village Nagri.

05. Respondent No.4/original claimant No.2 has filed cross Appeal No._34 of 2026 arising out of Judgment and Award dated 22/01/2007 passed

in L.A.C. No.201/2003 by the Ad-hoc District Judge-1, Yavatmal and prayed for enhancement of compensation @ Rs. 500/- per square metre for the open plot along with 25% rise in the construction cost. The learned Counsel appearing for respondent No.4 fairly supported the submissions advanced on behalf of the appellants.

06. Per contra, the learned Counsel appearing for respondent No.3 submitted that, while preparing the valuation report (Exh.45) cost of construction was assessed at Rs.232.55/- per square feet, i.e. Rs.2,500/- per square metre on the basis of market value of the construction and compensation was determined at Rs.2,45,000/-. According to the Respondent no. 3, in the year 1992, the land in Village Nagri was not fetching more than Rs.200/- per square metre. Therefore, the learned trial Court has rightly awarded compensation @ of Rs.200/- per metre, which is just and proper. Therefore, the appellants are fail to set out substantial grounds to interfere with the findings recorded by the trial Court, hence, prayed for dismissal of the appeal.

07. It is not in dispute that, the lands belonging to the present appellants and respondent No.4 acquired by respondent No.3 for Bembla Public Project. It is an admitted fact that, the V.I.D.C./acquiring body framed the policy regarding payment of compensation for acquisition of lands for the Bembla Project in District Yavatmal. As per the said policy, the V.I.D.C. fixed

the rate of compensation @ Rs.500/- per square metre for the open plots along with 25% rise in the construction cost for acquisition of the land in Village Nagri.

08. In *Executive Engineer vs. Dadarao* (supra), this Court considered the valuation of acquired land from Village Nagri for the Bembla Project at the rate of Rs.500/- per square metre for the open plot. The land of the appellants are situated at village Nagri and they are similarly situated with other claimants whose lands are acquired and compensation has been granted to them @ Rs. 500/- per square metre. Since the appellants and the respondent No.4 are similarly situated with the other land owners, therefore, the present appellant and respondent No.4 are also entitled for enhancement of compensation for the acquired land @ of Rs.500/- per square metre along with statutory benefits.

09. Needless to say that, on 22/01/2007, the learned trial Court passed the impugned judgment and award, and granted compensation to the appellant and respondent No.4/original claimant for the acquired open land at the rate of Rs.200/- per square metre for 98 square metres, i.e. (Rs. 200 X 98 square metre = total Rs.19,600/-), without taking into consideration the policy framed by the V.I.D.C. for acquiring the land from village Nagri.

10. It is submitted that, on 10/06/2022, this Court passed the following order.

“1. Heard learned Advocate for the applicants, learned AGP for respondent Nos.1 and 2 and learned Advocate for respondent No.3-Acquiring Body. Reference is filed by Bharti Maharaj Deosthan through legal representatives/present applicant Nos.1 to 3 and present respondent No.4 as legal representatives of deceased Dyneshwar Aakaji Mehtre. These applicants were under the bona fide belief that respondent No.4 must have preferred an appeal for enhancement. When they realized that it was not done, they have filed this appeal. There is a delay of 4711 days in preferring an appeal.

2. For the reasons stated in the application, the application is allowed. Delay is condoned, subject to condition that the applicants will not be entitled to claim interest for that period The civil application is disposed of.”

11. Upon perusal of above order it appears that, there is a delay of 4711 days caused in filing the appeal, therefore, the appellants shall not be entitled for interest for the delayed period. Further, respondent No.4/original claimant has filed the cross objection seeking enhancement of compensation @ Rs.500/- per square metre, but there is a huge delay of 4961 days i.e. delay of 4711 caused while lodging the first appeal and 250 days delay caused while lodging the cross objection. Hence, respondent No. 4/original claimant will not be entitled for the interest for said delayed period.

12. In view of above discussion, the impugned judgment and award dated 22/01/2007 passed in L.A.C. No.201/2003 by the Ad-hoc District Judge-1, Yavatmal needs to be modified and compensation awarded therein deserves to be enhanced. Accordingly, the following order is passed:

ORDER

- I. The present First Appeal as well as Cross Objection partly allowed.
- II. The impugned judgment and award dated 22/01/2007 passed in L.A.C. No.201/2003 by the Ad-hoc District Judge-1, Yavatmal is hereby modified to the extent of enhancement of compensation @ Rs.300/- per square meter in addition to Rs.200/- per square meter along with statutory interest.
- III. The appellants and respondent No.4 shall not be entitled for interest for the delayed period.
- IV. Respondent No.3 shall deposit the said enhanced amount of compensation within a period of eight weeks from today before this Court.
- V. The share of respondent No.4/cross-objector shall be deposited in the cross-objection proceedings.
- VI. The appeal as well as the cross-objection stand disposed of in the above terms with no order as to costs.
- VII. Accordingly, the decree be drawn up.

(Y.G. Khobragade, J.)