



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

FIRST APPEAL Nos. 1240/2009, 387/2010, 1008/2009,
1158/2009 AND 1217/2009.

FIRST APPEAL No. 1240/2009.

Vidarbha Irrigation Development Corporation,
through its Executive Engineer,
Bembla Project Division,
Tq. and District Yavatmal. ...

APPELLANT.

VERSUS

1. Ramesh s/o Shankarrao Deshmukh,
Aged 33 years, Occ – Agriculturist,
2. Vasant s/o Nago Deshmukh,
Aged 55 years, Occ – Cultivator,
3. Damu s/o Nago Deshmukh,
Aged 55 years, Occ – Cultivator,

R/o. Pahur, Taluq Babhulgaon,
District Yavatmal.

4. The State of Maharashtra,
through the Collector, Yavatmal.
5. The Special Land Acquisition Officer,
Bembla Project Division,
Yavatmal. ...

RESPONDENTS.

Shri A.B. Patil, Advocate for the Appellant.
Shri A.B. Nakshane, Advocate for Respondent Nos. 1 to 3.
Learned A.G.P. for Respondent Nos.4 and 5.

FIRST APPEAL No. 387/2010.

Vidarbha Irrigation Development Corporation,
through its Executive Engineer,
Bembla Project Division,
Tq. and District Yavatmal. ...

APPELLANT.

VERSUS

Keshao Nathusa Gulhane,
Dead through L.Rs.

1. Smt. Parvati wd/o Keshao Gulhane,
Aged 48 years, Occ – Agriculturist,
2. Ku. Vanita d/o Keshao Gulhane,
Aged 20 years, Occ – Education,
3. Mangesh Keshao Gulhane,
Aged 19 years, Occ – Education,
4. Shailesh Keshao Gulhane,
Aged 12 years, Occ – Education,
(Minor represented through his mother
Respondent no.1)
5. The State of Maharashtra,
through the Collector, Yavatmal.
6. The Special Land Acquisition Officer,
Minor Irrigation Work No.2,
Yavatmal. ...

RESPONDENTS.

Shri A.B. Patil, Advocate for the Appellant.
Shri A.B. Nakshane, Advocate for Respondent Nos. 1 to 4.
Learned A.G.P. for Respondent Nos.5 and 6.

FIRST APPEAL No. 1008/2009.

Vidarbha Irrigation Development Corporation,
through its Executive Engineer,
Bembla Project Division,
Tq. and District Yavatmal. ...

APPELLANT.

VERSUS

1. Keshav s/o Sadusa Jaisinghpure,
Aged 58 years, Occ – Cultivator,
r/o. Pahur. Taq. Babhulgaon,
District – Yavatmal.
2. The State of Maharashtra,
through the Collector, Yavatmal.
3. The Special Land Acquisition Officer,
Minor Irrigation Work No.2,
Yavatmal. ...

RESPONDENTS.

Shri A.B. Patil, Advocate for the Appellant.
Shri A.B. Nakshane, Advocate for Respondent No. 1.
Learned A.G.P. for Respondent Nos.2 and 3.

FIRST APPEAL No. 1158/2009.

Vidarbha Irrigation Development Corporation,
through its Executive Engineer,
Bembla Project Division,
Tq. and District Yavatmal. ...

APPELLANT.

VERSUS

1. Shrikrishna s/o Nago Deshmukh,
Aged 48 years, Occ – Cultivator,
2. Narayan s/o Nago Deshmukh,
Aged about 45 years, Occ – Cultivator,
3. Damu s/o Nago Deshmukh,
Aged 55 years, Occ – Cultivator,
4. Vasant s/o Nago Deshmukh,
Aged 55 years, Occ – Cultivator,
5. Ramesh Shankarrao Deshmukh,
Aged 33 years, Occ – Cultivator,

All 1 to 5 r/o. Pahur, Tq. Babhulgaon,
District – Yavatmal.

6. The State of Maharashtra,
through the Collector, Yavatmal.
7. The Special Land Acquisition Officer,
Minor Irrigation Work No.2,
Yavatmal. ...

RESPONDENTS.

Shri A.B. Patil, Advocate for the Appellant.
Shri A.B. Nakshane, Advocate for Respondent Nos. 1 to 5.
Learned A.G.P. for Respondent Nos.6 and 7.

FIRST APPEAL No. 1217/2009.

Vidarbha Irrigation Development Corporation,
through its Executive Engineer,
Bembla Project Division,
Tq. and District Yavatmal. ...

APPELLANT.

VERSUS

1. Khushal s/o Shankar Gulhane,
Aged 40 years, Occ – Cultivator,
R/o. Pahur, Tq. Babhulgaon,
District – Yavatmal.
2. The State of Maharashtra,
through the Collector, Yavatmal.
3. The Special Land Acquisition Officer,
Minor Irrigation Work No.2,
Yavatmal. ... **RESPONDENTS.**

Shri A.B. Patil, Advocate for the Appellant.
Shri A.B. Nakshane, Advocate for Respondent No. 1.
Learned A.G.P. for Respondent Nos.2 and 3.

CORAM : R.M.SAVANT, J.

DATED : 22.02.2011.

ORAL JUDGMENT.

1. By consent of the learned Counsel for the respective parties, the above First Appeals are taken up for hearing at the stage of admission.

Admit.

2. The learned Counsel for the parties are ad-idem that in

view of the controversy involved in the above First Appeals, the record and proceedings are not necessary to be called for.

3. By the above First Appeals the acquiring body i.e. the Appellant - Vidarbha Irrigation Development Corporation challenges the judgment and award of the Reference Court in L.A.C.No. 94/2004 dated 12.08.2008, L.A.C.No. 256/2006 dated 21.01.2009, L.A.C.No.17/2005 dated 10.04.2008, L.A.C.No.3/2005 dated 24.09.2008 and L.A.C.No.15/2005 dated 10.04.2008 respectively.

4. The learned Counsel for the appellant draws my attention to the judgment of learned Single Judge of this Court dated 27.09.2010 in a group of First Appeals bearing First Appeal No.760/2009 and companion appeals, concerning the lands covered by the same notification. The said judgment has thereafter been followed in First Appeal No.859/2010 and companion appeals and First Appeal No.1012/2007 and companion appeals. The aforesaid judgments have been followed in First Appeal No.1273 of 2010 and companion Appeals. The award of the Reference Court has been set aside for the reasons mentioned in the said judgment dated 27.09.2010 and the matter/s is/are remanded back to the Reference Court for de-novo consideration by clubbing all the references

together and directing early disposal.

5. The learned Counsel appearing for the respondents/claimants do not dispute the applicability of the said judgment and order dated 27.09.2010 and the subsequent judgments [supra]. For the reasons mentioned in the said judgment dated 27.09.2010 the above First Appeals are also required to be allowed and are accordingly allowed. Resultantly the impugned awards of the Reference Court are set aside and the references in question are remanded back to the Reference Court to be heard along with the references which were subject matter of First Appeal No. 760/2009 and companion Appeals. Needless to mention that the Reference Court would abide by the directions of this Court of early disposal as contained in the judgment and order dated 27.09.2010. First Appeals are accordingly allowed to the aforesaid extent and are disposed of. In view of the aforesaid, the decretal amounts if any, which are lying in deposit in this Court in the above First Appeals be transferred to the Reference Court on the particulars being furnished by the learned Counsel for the appellants. The Reference Court may thereafter deposit the said amounts in a fixed deposit of a nationalized Bank initially for a period of one year and thereafter renew the same, if required.

6. First Appeals allowed.

JUDGE

Rgd.