

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

CIVIL APPLICATION (CAO) NO.273 OF 2015

IN

FIRST APPEAL NO. 255 OF 2013

(VIDARBHA IRRIGATION DEV. CORPN...VS..NARAYAN ANAND WAHIKAR & ORS.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J.B.Kasat, Advocate for Appellant.
Mr. S.V.Ingole, Advocate for Respondent No.1 /Applicant.
Mr M.A.Kadu, A.G.P. for Respondent Nos. 2 & 3.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 27, 2015.

In paragraph 3 of the application respondent has
stated as follows :

“3) It is submitted that, the appellant has no case on merit at all for reduction in the compensation granted by the Reference Court. It is pertinent to submit here that, as per the policy decision of the Government, the appellant/ V.I.D.C. had withdrawn the appeals in which the reference Court have enhanced the compensation amount upto 2.25% against the compensation amount granted by the Land Acquisition Officer in favour of the claimants therein. On the contrary in this matter the Reference Court had granted less then the above said percentage while enhancing the compensation amount and therefore having regard to the facts and legal position of the case, these respondents are bound to succeed. Therefore in any event the entire amount of compensation is liable to be paid immediately to the respondent having been deprived of his land permanently. This land was the mean of livelihood for him and for his family. He is, therefore, naturally depended upon the

compensation amount; out of which he can do something for himself and his family's livelihood and meet other necessary expenditure.”

The appellant has not filed any reply and has not controverted the contentions of the respondent No.1.

The Special Land Acquisition Officer has granted compensation @ Rs.82,369/- per hectare and the reference Court has enhanced the amount of compensation to Rs.1,75,000/- per hectare.

Considering the facts of the present case and the un-controverted pleadings in paragraph 3 of the civil application, respondent No.1 is permitted to withdraw the amount deposited by the appellant before the Reference Court.

The Civil Application is **disposed of** in the above terms.

JUDGE.