

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

CIVIL APPLICATION (CAF) NO.2572 OF 2011
AND
CIVIL APPLICATION (CAF) NO.135 OF 2011
IN
FIRST APPEAL NO. 821 OF 2011.

(THE GENERAL MANAGER, W.C.L. CHANDRAPUR..VS..MAHADEO BALAJI BOBADE & ANR.)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : FEBRUARY 24, 2015.

Heard Shri Tushar Darda, learned advocate for the applicant, Mr.S.R.Charpe, learned advocate for the respondent No.1 and Mr. M.A. Kadu, learned A.G.P. for the respondent No.2.

Mr. Darda, the learned advocate has submitted that this Court has decided First Appeal No. 121 of 1998 and other connected matters by judgment dated 22nd October, 2012 and has granted compensation @ Rs.38,000/- per hectare to the land owners. It is submitted that the lands for which the compensation is granted by the judgment given in First Appeal No.121 of 1998 and other connected matters were acquired pursuant to the notification published under Section 4 of the Land Acquisition Act, 1894 on 4th December, 1987 in which award was passed on 20th December, 1990. It is submitted that the acquisition of the land of respondent No.1 is also pursuant to the same notification and the award is also of the same date.

Mr.Charpe, the learned advocate for the respondent No.1 has submitted that the respondent No.1 has placed on record sale instances of the period prior to publication of the notification under Section 4 of the Land Acquisition Act, 1894 and has also led evidence which is different from the evidence led by the parties in First Appeal No. 121 of 1998 and other connected matters.

Considering the facts of the case, the respondent No.1 is permitted to withdraw the amount deposited by the appellant. In view of the fact that the appellant has deposited the amount, respondent No.1 shall not proceed with the execution.

Both the Civil Applications are disposed of in the above terms.

JUDGE