

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

FIRST APPEAL NO.851 OF 2014

(V.I.D.C., through its Executive Engineer, Minor Irrigation Division No.2, Buldhana ..vs.. Bhimrao s/o Himmatrao More (dead) through LR. (1) Smt. Mankarnabai Bhimrao More (dead) through LR (a) Kailash Pandurang Wayal and another)

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 : 13-02-2015

Heard Shri A.B. Patil, the learned Advocate for the appellant, Shri R.N. Ghuge, the learned Advocate for the respondent No.1(i)(a) and Mrs. B.P. Maldhure, the learned Assistant Government Pleader for the respondent No.2.

2. The appeal is filed by the Vidrabha Irrigation Development Corporation (acquiring body) challenging the order passed by the reference Court under Section 18 of the Land Acquisition Act, 1894 enhancing the amount of compensation and concluding that the respondent No. 1-land owner is entitled for compensation at the rate of Rs.95,475/- per hectare alongwith the statutory benefits.

3. Shri R.N. Ghuge, the learned Advocate for the respondent No.1 has pointed out the judgment given by this Court in the First Appeal No.281 of 2010 and other connected matters on 11-9-2012. It is submitted that the

first appeals had arisen out of the orders passed in the land acquisition cases which had arisen out of the land acquisition proceedings pursuant to the same notification by which the land of the respondent No.1 came to be acquired. It is submitted that the acquired lands in the First Appeal No.281 of 2010 and the acquired land which is the subject matter of the present appeal are situated in the same village. Shri A.B. Patil, the learned Advocate for the appellant accepts this factual position.

4. In view of the above, I see no reason to interfere with the impugned order. The appeal is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE

pma