

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

CAF NO. 387 OF 2015 IN FIRST APPEAL NO. 784 OF 2015

(The State of Maharashtra thr. Collector, Gondia & Ors. vs. Jai Bambleshwari Rice Mill thr.
Proprietor and Owner Shri Prakash s/o Ramdeo Jaiswal)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
Z.A. HAQ, JJ.
SEPTEMBER 07, 2015.**

Heard Mrs. Hiwase, learned AGP for the appellant and Shri Mehta, learned counsel for the applicant - respondent – land owner.

Perused the impugned judgment. 20R land, admittedly having Non-agricultural potential, has been acquired for laying bye-pass lane. After considering the sale instances, the Reference Court has found that the rates in the vicinity were Rs.60/- per square foot. Considering the location of the land of the applicant, rate of Rs.200/- per square foot has been allowed for the entire 20R i.e. for 20000 square feet of land. In this situation, the question is when rate of Rs.60/- per square foot has been worked out, it is obviously for the plotable area and not pertaining to land required to be left open for public utility and other purposes. Normally, 1/3rd area is lost in such compulsory reservations. Here, the plot of land acquired is only 20000 sq. feet.

In this situation, taking over all view of the matter, we direct the appellant – State Government to

deposit 50% of compensation as awarded by the Reference Court with the Registry of this Court within a period of eight weeks from today. We also grant permission to the respondent – land owner – applicant to withdraw 2/3rd out of the amount to be deposited, subject to giving an undertaking that in case the appeal is allowed, the appellant shall refund the amount found payable to the State Government with such interest as this Court may in that event direct, within a period of six weeks thereof. The remaining 1/3rd amount in deposit shall be invested in any Nationalized Bank initially for a period of three years.

Printing of paper book is dispensed with. Private paper book be filed within a period of six months.

Civil Application is disposed of accordingly.

JUDGE

JUDGE

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