

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAF) NO. 2909 OF 2015
IN
FIRST APPEAL ST. NO. 5241 OF 2014
VIDC Bembla Yavatmal Vs. Lankabai wd/o Marotrao Choudhari & Ors.

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

Court's or Judge's Order

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Shri P. B. Patil Adv for appellant.
Shri V. D. Darne Adv for respondent no. 2.
Shri A. B. Nakshane Adv for respondent nos. 3 to
6.
Shri H. R. Dhumale AGP for respondent nos. 7 &
8.

CORAM: A. S. CHANDURKAR J.

DATED: 4th MAY, 2016.

Considering reasons mentioned in the application the delay in filing first appeal stands condoned. Civil application is allowed and disposed of.

First Appeal St. No. 5241 of 2014: In the present appeal the judgment dated 06.03.2012 in Land Acquisition Case No. 481 of 2006 passed by the Reference Court is under challenge. Notice on the appeal is made returnable forthwith. Shri A. B. Nakshine, learned counsel waives notice on behalf of respondent nos. 3 to 6, Shri V. D. Darne, the learned counsel waives notice for the respondent no.2 and Shri H. R. Dhumale, the learned Assistant Government Pleader waives notice for respondent nos. 7 and 8 waives notice.

By the impugned judgment the Reference Court has granted

compensation of Rs. 500/- per sq. mt. for land admeasuring 218.15 sq. mt. of plot no. 56A as well as for land admeasuring 2778 sq. mt. for plot bearing no. 56B. These lands are situated at village Dehni tahsil Babhulgaon district Yavatmal.

Shri P. B. Patil, learned counsel for the appellant has filed pursis dated 03.05.2016 along with communication dated 30.04.2016 that has been issued by the Executive Engineer of the appellant Corporation. In the said communication it has been stated that rate of Rs. 500/- per sq. mt for the open plot of land was acceptable as fair compensation for being paid by the appellant. It is submitted by Shri P. B. Patil, the learned counsel for the appellant that in other matters arising from the same village, rate of Rs. 500/- per sq. mt. has been accepted as fair compensation for open land.

Hence, in view of aforesaid pursis and communication dated 30.04.2016, the judgment of the Reference Court dated 06.03.2012 in Land Acquisition Case No. 481 of 2006 granted compensation at the rate of Rs. 500/- per sq. mt. stands confirmed. The first appeal stands dismissed with no order as to costs. The respondent nos. 1 to 6 are permitted to withdraw an amount of compensation deposited by the appellant along with accrued interest in equal proportion. Order accordingly.

JUDGE