

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

CIVIL APPLICATION F. NO.3335/2015

IN

FIRST APPEAL ST. NO.12386/2015

The Executive Engineer, Khadakpurna Project Division, Vidarbha Irrigation
Development Corporation, Deulgaon Raja, Dist. Buldana

...Versus...

Ganesh Prakash Dandale and others

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

Court's or Judge's orders

Shri S.S. Godbole, Advocate for applicant/appellant
Ms T.H. Udeshi, AGP for respondent nos.2 and 3

CORAM : PRASANNA B. VARALE, J.

DATE : 22.06.2016

Heard the learned Counsel for the applicant and learned Assistant Government Pleader for respondent nos.2 and 3. None appears for the respondent no.1, though served.

For the reasons stated in the application, the civil application is allowed. Delay is condoned.

FIRST APPEAL ST. NO.12386/2015

Heard the learned Counsel for the appellant and learned Assistant Government Pleader for respondent nos.2 and 3. None appears for the respondent no.1, though served.

Shri Godbole, the learned Counsel for the appellant submitted that the reference Court erred in awarding the compensation treating the lands as of the similar quality lands when the material placed on record clearly reflects that the lands acquired of the claimant differ in quality. He submitted that the piece of

1 R land out of the acquired land of the claimant was irrigated land, 26 R land was seasonally irrigated and 27 R land was an area referred to as differed area.

In such situation, the reference Court ought not to have treated the lands of equal quality and ought not to have awarded the compensation at the exorbitant rate.

ADMIT.

Ms T.H. Udeshi, the learned Assistant Government Pleader waives notice on behalf of the respondent nos.2 and 3.

JUDGE

Wadkar