

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

CIVIL APPLICATION (CAF) NO.2648/2016

IN
FIRST APPEAL NO.674/2016

Vidarbha Irrigation Development Corporation, through its Executive Engineer,
Bembla Project Division, Yavatmal

..Vs..

Smt. Sumangal Gopalrao Deshmukh and others

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 : 10.10.2016.

Heard Shri V.G. Palshikar, Advocate for the appellant and Shri M.P. Kariya, Advocate h/f Shri V.D. Darne, Advocate for the respondent Nos.1 and 2.

The Land Acquisition Officer granted compensation at the rate of Rs.88,035/- per hector for 6.87 hector land. The Reference Court has enhanced the amount of compensation and granted compensation at the rate of Rs.2,70,000/- per hector. The Reference Court has relied on sale deed dated 2nd August, 2001.

The Reference Court has recorded that the notification under Section 4 of Land Acquisition Act, 1894 was published on 4th February, 1999. According to the appellant, the notification under Section 4 of Land Acquisition Act, 1894 was published on 29th May, 1997.

Considering the facts of the case, in my view, the respondent Nos.1 and 2/claimants can be permitted to

withdraw Rs.12,000,00/- (Rs. Twelve Lakhs Only) on furnishing undertaking to the satisfaction of Registrar (J.) of this Court that if it is found that claimants are not entitled for the amount withdrawn by them, they will re-deposit the amount with interest as may be determined by this Court, within two months. The amount be transferred in the joint account of respondent Nos.1 and 2/claimants after undertaking of both the claimants is filed. The balance amount be kept in fixed deposit in nationalized bank till the disposal of appeal. The civil application is **allowed** in the above terms.

JUDGE

Tambaskar.

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.
Personal Assistant.

Uploaded On : .10.2016.