

(1)

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

**CIVIL APPLICATION NO. 317 OF 2016
WITH
CIVIL APPLICATION NO.318 OF 2016
IN/WITH
FIRST APPEAL (ST) NO 21946 OF 2015**

Executive Engineer, Minor Irrigation
Division, Pipri (Meghe), Wardha,
Tah. and Dist. Wardha. ..APPELLANT

VERSUS

Ghanashyam s/o Jugalkishor
Agrawal & ors ..RESPONDENTS

Mr S.K. Bhoyar, Advocate for appellant;
Mr A.D. Sonak, A.G.P. for respondent Nos. 2 & 3

CORAM : N.W. SAMBRE, J.

DATE : 5th MAY, 2017

ORAL ORDER :

For the reasons disclosed, 13 days delay caused in preferring appeal stands condoned. The civil application for condonation of delay is allowed.

2. Heard.

3. Reference Court vide judgment 10th July,

(2)

2015 passed in L.A.C. No. 134 of 2007, enhanced compensation to Rs.1,09,000/- for land Survey No. 173 admeasuring 0.9 H.R. and F.S. No. 174 admeasuring 0.3 H.R. total 0.12 H.R. i.e. 1200 sq. mtr. of mouza Hatla (Borgaon) Tah. Arvi, Dist. Wardha.

4. Learned Counsel for the appellant submits that on 13th July, 2001 notification under Section 4 of the Land Acquisition Act was issued and Land Acquisition Officer paid compensation of Rs. 17,000/-. According to him, Reference Court without any basis has awarded enhanced compensation which is not sustainable.

5. After issues were framed at Exhibit-13, the claimant has examined in all five witnesses, including himself, so as to substantiate his claim.

6. Sale instance at Exhibit-24 came to be proved by PW-5 Suresh, in which he has deposed that 40 meter open land for total consideration of Rs. 8500/- and land was located quite inside from Arvi

(3)

Pulgaon road.

7. Having appreciated location of the land and cost thereof, Reference Court proceeded to enhance the compensation, which is based on appreciation of evidence. No case for interference is made out. The appeal fails, dismissed.

8. Mr. Bhoyar, learned Counsel for the appellant undertakes to deposit the amount within a period of one week from today. Statement is accepted. If the amount is deposited, same be processed and remitted to the Reference Court.

(N.W. SAMBRE, J.)

Tupe