

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

CIVIL APPLICATION (CAF) NO.1628 OF 2017

IN

FIRST APPEAL (STAMP) NO.2540 OF 2017

(The Executive Engineer, Bembla Project VIDC, Yavatmal ..vs.. Smt. Kamalabai wd/o Dhnyanshwar
Kadam 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 P.B. Patil, Advocate for the appellant,
Smt. Mrunal Naik, AGP for respondent Nos. 6 and 7.

CORAM : N.W. SAMBRE, J.

DATED : 19-04-2017

Heard Shri P.B. Patil, learned Counsel for the
appellant and Smt. Mrunal Naik, learned Assistant
Government Pleader for respondent Nos.6 and 7.

For the reasons disclosed in the application, the
delay of 323 days in filing the appeal stands condoned.

The civil application is allowed accordingly.

First Appeal (Stamp) No.2540/2017.

The enhancement granted at the rate of Rs.323/-
per square meter for the plot and Rs.4,335/- per square
meter for constructed area is sought to be questioned in
the present appeal.

The said enhancement is based on the award
passed in Land Acquisition Case No.307/2003.

Against the said award no appeal is preferred before this Court till date. It is then to be noted that the Court refers to the provisions of Section 28A of the Land Acquisition Act for redetermination of the amount of compensation in case if the reference under Section 18 of the Land Acquisition Act is not preferred.

In view of the above findings recorded, in my opinion, the case of acquiesce should be considered against the appellant for non-questioning the judgment delivered in Land Acquisition Case No.307/2003. As such no case for interference in the present appeal. The appeal fails and is dismissed.

JUDGE

adgokar