

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

**C.A.O. NO. 2157/2018 IN M.C.A. ST. NO. 15011/2018 IN F.A. NO. 687/2014**  
**(V.I.D.C., WARDHA ...VERSUS... VITHAL GANPATRAO TIMANDE & ANOTHER)**

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

Shri P.B. Patil, counsel for the applicant.  
Shri C.R. Najbile, counsel for the NA-1.  
Shri M.A. Kadu, A.G.P. for the NA-2.

**CORAM : NITIN W. SAMBRE, J.**  
**DATE : DECEMBER 12, 2018.**

For the reasons disclosed in the application, the prayer made therein is granted. The civil application is allowed and disposed of.

**M.C.A. ST. NO. 15011/2018.**

For the reasons disclosed in the application, the first appeal is restored to file.

The miscellaneous civil application is allowed and disposed of.

**F.A. NO. 687/2014.**

After the Section 4 notification was issued on May 28, 1998, the land acquisition officer awarded compensation at the rate of Rs.90/- per square meter for open space and Rs.2108/- per square meter for the constructed area. The said compensation was enhanced by the reference Court to Rs.738/- per square meter for the open plot and Rs.3163/- per square meter for the constructed area.

Shri P.B. Patil, learned counsel for the appellant-acquiring body, submits that unreasonable and unrealistic compensation has been awarded without any basis.

Shri C.R. Najbile, learned counsel for the respondent no.1, is right in inviting my attention to paragraphs 19, 20 and 21 of the judgment of the reference Court.

The judgment at Exhibit 29 pertains to L.A.C. No.69 of 2005 (Ramaji Warghane Versus State & another), wherein the land of the applicant therein was situated in same Mouza where the land of the respondent no.1-claimant is situated. In the aforesaid L.A.C. No.69 of 2005, the reference Court awarded compensation at the same rate as in the present case. The said enhancement appears to be based on justifiable reasons. The reference Court has appreciated the actual constructed area and open plot area and accordingly granted enhanced compensation which appears to be realistic and based on material on record. There is no scope to infer that any unreasonable and unrealistic compensation is awarded.

That being so, there is no substance in the appeal. As such, the first appeal fails and is dismissed with no order as to costs.

**(NITIN W. SAMBRE, J.)**

APTE