

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

CIVIL APPLICATION (CAF) NO.2341 OF 2017

AND

FIRST APPEAL ST. NO. 24686 OF 2016

(DY. CHIEF ENGINEER, CENTRAL RAILWAY, AJANI & ANR....VS.. SAU.KANTA WASUDEORAO
PADOLE & ORS.)

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

Court's or Judge's orders

Shri Abhijit Parihar, Advocate for Applicants.
Shri S.S.Shingne, Advocate for Respondent No.1.
Ms Geeta Tiwari, A.G.P. for Respondent Nos.2 & 3.

CORAM : Z.A.HAQ, J.

DATED : MARCH 06, 2018.

CIVIL APPLN.(CAF) NO. 2341/2017.

Accepting the explanation given in the application, the delay of 617 days in filing the appeal is condoned.

The civil application is **allowed** accordingly. No costs.

FIRST APPEAL ST.NO.24686/2016.

Taken up for hearing.

The appellants have challenged the award passed by the reference Court by which compensation is enhanced. The Land Acquisition Officer had granted compensation for the land @ Rs.600/- per sq. mt., the extent of the acquired land being 162 sq.mtrs. The Reference Court has enhanced the compensation for the acquired land and granted Rs.800/- per sq.mt. For this, the Reference Court relied on the award

passed in Land Acquisition Case No. 157 of 2006. By the award passed in Land Acquisition Case No.157 of 2006, the reference Court had granted compensation @ Rs.1,000/- per sq.mt. for open plot situated in the same village. The reference Court has further considered the evidence of Civil Engineer and Government Approved Valuer who is examined on behalf of the claimant. This witness has stated that the valuation of the land in question would be about Rs.800/- per sq.mt. I find that the reference Court has properly appreciated the evidence on record while determining the amount of compensation for land.

In addition, the reference Court has granted compensation of Rs.1,91,774/- for the construction which was about 42.65 sq.mts. The determination of this amount of compensation is also based on proper appreciation of the evidence on record, as is evident from paragraph No. 17 to Paragraph No.23 of the impugned award. The reference Court has relied on the evidence of Sanjay Deshpande (PW-2) who had given the valuation report. The reference Court has taken into consideration the documentary evidence on record which showed that the claimant had paid the development charges to Amravati Municipal Corporation and had deposited the required charges for electricity connection. The reference Court has also deducted the amount towards depreciation value. I see no reason to interfere with the impugned award.

The appeal is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE