

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

FIRST APPEAL NO. 1030 OF 2018

(The Executive Engineer, Bembla Project Division, Yavatmal V/s Dhyaneshwar Govind Kelode & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. M. A. Kadu, Advocate for Appellant.
Mr. A. B. Nakshane, Advocate for Respondent No.1.
Mr. Khan, AGP for Respondent Nos.2 & 3 – State.

**CORAM : MRS. SWAPNA JOSHI, J.
DATE : APRIL 22, 2019.**

P.C.

. Heard the learned Counsel for respective parties.

2. It is submitted by the learned Counsel for the parties that in view of adjudication in First Appeal (St) No. 189 of 2018 (VIDC & Another V/s Vasant Nanaji Patre & Others) dated 19th December 2018 arising from village Pahur, Taluka Babhulgaon, District Yavatmal, the present Appeal can be disposed of.

3. In First Appeal (St) No. 189 of 2018 this Court has held that an amount of Rs.750/- per square meter for an open plot of land acquired from village Pahur, Taluka Babhulgaon, District Yavatmal would be fair compensation. The notification under Section 4 of

the Land Acquisition Act, 1894 in this Appeal is dated 11th May 2000 which was the same notification in the Appeal mentioned above.

4. Hence for the reasons assigned in First Appeal (St) No.189 of 2018 (VIDC & Another V/s Vasant Nanaji Patre & Others) dated 19th December 2018, this Appeal is partly allowed as under :

- (A) The Judgment of the Reference Court in Land Acquisition Case No. 146 of 2010 dated 24th September 2013 is partly modified.
- (B) The claimant is held entitled to receive an amount of Rs.750/- per square meter for Plot No. 746 admeasuring 61.50 square meters.
- (C) Other directions in the Award are confirmed.
- (D) The claimant is at liberty to withdraw the amount of compensation in terms of this Judgment.
- (E) The balance amount, if any, be refunded to the Appellant with accrued interest.

5. The First Appeal is partly allowed in aforesaid terms and disposed of with no order as to costs.

(MRS. SWAPNA JOSHI, J.)