

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

FIRST APPEAL NO. 847 OF 2018

The Executive Engineer,
Bembla Project Division, Yavatmal,
Tq. Dist. Yavatmal.

..... **APPELLANT**

...V E R S U S...

1. Mahadeo Shyamrao Dhole [Dead]
Through his legal heirs
- a. Prabhakar Mahadeo Dhole,
Aged 68 years, Occu: Agriculturist,
R/o Mahavir Nagar No. 01,
Lohara, Yavatmal.
- b. Bhaskar Mahadev Dhole,
Aged 65 years, Occu: Agriculturist,
R/o at Post Devgaon, Tq. Dhamangaon Railway,
Deogaon, Amravati.
- c. Smt. Chitra Subhash Dhole,
Aged 57 years, Occu: Household,
R/o 30-A, Gurukunj Mahavir Nagar 01,
Lohara, Yavatmal.
- d. Ashok Mahadev Dhole,
Aged 59 years, Occu: Agriculturist,
R/o Jagdale Layout, near Arvi Naka,
Mhada Road, Wardha.
- e. Smt. Rekha Suresh Shirbhate,
Aged 55 years, Occu: Household,
R/o 2061, Juni Vasti, behind Pimpalgaon School,
ITI Yavatmal.

- f. Smt. Rama Ashok Rajgure,
Aged 52 years, Occu: Household,
R/o 04, Mahananda Building, Kanta Nagar,
Camp-Amravati.
- g. Smt. Sunita Sandeep Rawale,
Aged 51 years, Occu: Household,
R/o Teli Pura, Ghatladki,
Tq. Chandur Bazar, Amravati.
- h. Smt. Dyaneshwari Mahadev Dhole,
Aged 85 years, Occu: Household,
R/o 622, Pahur, Tq. Babhulgaon, Dist. Yavatmal.
- 2. The State of Maharashtra,
Through Collector, Yavatmal.
Tq. and District Yavatmal.
- 3. The Special Land Acquisition Officer,
Minor Irrigation Works No.2 for Bembla Project,
Yavatmal, Tq. & Dist. Yavatmal.

..... **RESPONDENTS**

Shri M.A. Kadu, counsel for the appellant.
Shri R.D. Hajare, counsel for respondent Nos. 1(a) to 1 (h).
Ms H.N. Jaipurkar, AGP for the respondent Nos. 2 and 3.

CORAM: **ARUN D. UPADHYE, J**
DATE : **26.3.2019**

ORAL JUDGMENT

1. This appeal is filed by under Section 54 of the Land Acquisition Act read with Section 96 of the Code of Civil Procedure, challenging the judgment and award dated 09.10.2013, passed by Civil Judge, Senior Division, Yavatmal in

L.A.C. No.290/2008.

2. By the impugned judgment and award, the learned Reference Court has partly allowed the reference and granted enhanced compensation at the rate of Rs. 900/- per square meter for the acquired plot bearing No. 395 admeasuring 298.50 square meters and for structure/ construction at the rate of Rs.1900/- per square meter admeasuring 93.64 square meters from Village Pahur, Tq. Babhulgaon, District Yavatmal with statutory benefits.

3. This appeal was admitted on 30.07.2018 and waiting for its turn for final hearing. Today, the matter is called out for final hearing.

4. I have heard Shri M.A. Kadu, learned counsel for the appellant, Shri R.D. Hazare, learned counsel for the respondent Nos. 1(a) to (h) and Ms H.N. Jaipurkar, learned Assistant Government Pleader for respondent Nos. 2 and 3.

5. Shri M.A. Kadu, learned counsel for the appellant has submitted that this appeal is covered by the judgment of this Court passed in First Appeal Stamp No. 189/2018 on 19.12.2018 and may be disposed of.

Shri R.D. Hazare, learned counsel for the respondent Nos. 1(a) to (h) has no objection for the same. Ms. H.N. Jaipurkar, learned Assistant Government Pleader has no objection for the same and also submitted that matter may be disposed of.

6. Considering the submission on both the sides and having gone through the impugned judgment and award, it appears that the present appeal is covered by the said judgment i.e. ***First Appeal Stamp No. 189/2018 [VI.D.C. Bembla Project Division, Yavatmal and another V/s Vasant Patre and others]*** delivered on 19.12.2018. For the reasons stated in the judgment, this appeal could be disposed of.

Hence, I pass following order :-

ORDER

The judgment of the Reference Court in LAC No. 290/2008, dated 09.10.2013 is partly modified :-

i] The respondent Nos.1 (a) to 1(h)/claimants are entitled to receive amount of Rs. 750/- per square meter for plot bearing No. 395 admeasuring 289.50 square meters and for

structure / construction, amount of Rs. 1900/- per square meter admeasuring 93.64 square meters of Village Pahur, Tq. Babhulgaon, District Yavatmal.

ii] The other directions in the award are confirmed.

ii] The respondent Nos.1 (a) to 1(h)/claimants are at liberty to withdraw amount of compensation in terms of this Judgment, with accrued interest.

iv] The balance amount, if any, be refunded to the appellant, with accrued interest.

v] The appeal is partly allowed in aforesaid terms and disposed of with no order as to costs.

JUDGE

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