

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO. 1058/2013 ALONGWITH X-OBJECTION NO.18/2013

(VIDC, YAVATMAL VERSUS KUNAL HANSRAJ PISE & OTHERS)

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

Court's or Judge's orders

Shri A.B. Patil, counsel for appellant.
Shri A.B. Nakshane, counsel for R-1/Cross-Objector.
Mrs. H.N. Prabhu, A.G.P. for R-2 & 3.

CORAM : A.S. CHANDURKAR, J.

DATE : MARCH 05, 2019.

Pursis Stamp No.3076 of 2019 has been filed on behalf of the appellant seeking permission to withdraw the appeal in the light of communication dated 17.10.2018 in which it is stated that the Corporation does not desire to prosecute the appeal considering the nature of enhancement as granted.

In view of aforesaid pursis, the appeal is permitted to be withdrawn. The Court fees be refunded as per Rules.

Cross-Objections have been filed by the claimant seeking enhancement in the amount of compensation as awarded by the Reference Court.

Land admeasuring 4 Hectare 37 R from Gat No.7 situated at village Digghi, Taluka Babhulgaon, District Yavatmal was the subject matter of acquisition. The notification under Section 4 of the Land Acquisition Act, 1894 is dated 14.08.2003 and the Land Acquisition Officer has granted compensation at the rate of Rs.77,377/- per Hectare. The Reference Court has enhanced this amount to Rs.1,65,000/- per Hectare.

It is submitted on behalf of the claimant that in First Appeal No.86 of 2017 decided on 31.01.2017, this Court has awarded an amount of Rs.2,10,000/- per Hectare for lands acquired under the same notification and from the same village.

Hence, for reasons assigned in First Appeal No.86 of 2017 decided on 31.01.2017, the judgment of the Reference Court is partly modified. It is held that the claimant is entitled to receive compensation for the acquired land at the rate of Rs.2,10,000/- per Hectare. Rest of the award stands confirmed. The claimant is entitled to receive compensation in terms of this order.

JUDGE

APTE