

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

FIRST APPEAL NO.706 OF 2017

The Executive Engineer, Bembla Project Division

Vs.

Krishna Bablaji Shivankar and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri P.B.Patil Advocate for appellant.
Shri A.B.Nakshane, Advocate for R.No.. 1.
Mrs. Harshada Prabhu, AGP for R.Nos. 2 and 3.

CORAM : A.S.CHANDURKAR, J.

DATE : February 26, 2019

Heard.

It is submitted by learned counsel for the parties that in view of adjudication in **First Appeal St.No.189 of 2018** (VIDC & Another vs. Vasant Nanaji Patre & Others) dated 19.12.2018 arising from village Pahur, Taluka Babhulgaon, District Yavtmal, the present appeal can be disposed of.

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 Yavtmal would be fair compensation. The notification under Section 4 of the Land Acquisition Act, 1894 in this appeal is dated 11.05.2000 which was the same notification in the appeal mentioned above.

Hence, for reasons assigned in First Appeal St.No.189 of 2018 (VIDC & Another Vs. Vasant Nanaji Patre & Others) dated 19.12.2018, this appeal is partly allowed as under :-

1) The judgment of the Reference Court in L.A.C.No.431/2007 dated 28.07.2015 is partly modified.

2) The claimant is held entitled to receive an amount of Rs.750/- per square meter for Plot No. 87 admeasuring 94.30 square meters. He is also entitled to receive an amount of Rs.1620/- per square meter for the constructed portion admeasuring 60.63 square meters.

3. Other directions in the award are confirmed.

4. The claimant is at liberty to withdraw the amount of compensation in terms of this judgment.

5. The balance amounts, if any, be refunded to the appellant with accrued interest.

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

JUDGE

Andurkar.