

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

FIRST APPEAL NO.665 OF 2015

Vidarbha Irrigation Development Corporation
Through its Executive Engineer, Bembla Project
Division, Taq. and Dist. Yavatmal ... Appellant.

-vs-

Mahadeo Tulshiram Kale
And ors. ... Respondents.

Shri P. B. Patil, Advocate for appellant.
Shri A. B. Nakshane, Advocate for respondent No.1.
Ms M. S. Naik, Assistant Government Pleader for respondent Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.
DATE : February 21, 2019

P.C.

In this appeal acquisition of land from village Pahur, Tal. Babhulgaon, District Yavatmal for the Bembla Project is under challenge. Notification under Section 4 of the Land Acquisition Act, 1894 (for short, the said Act) is dated 11/05/2000. The Land Acquisition Officer passed his award on 17/10/2003. The claimant not being satisfied with the amount of compensation as granted filed reference proceedings vide L.A.C. No.154/2005 under Section 18 of the said Act. The Reference Court has granted enhancement at the rate of Rs.900/- per sq. meter for the open plot and Rs.989/- per sq. meter for the constructed portion. That adjudication is under challenge in this appeal.

2. It is not in dispute that in First Appeal St. No.189/2018 (*V.I.D.C. and anr. vs. Vasant Nanaji Patre and ors.*) decided on 19/12/2018 this Court has adjudicated the amount of compensation for the open plot at the rate of Rs.750/- per sq. meter and has maintained the amount of enhancement as granted for the constructed portion. Hence in view of the reasons assigned in First Appeal St. No.189/2018, the following order is passed :

By modifying the judgment in L.A.C. No.154/2005, the amount of compensation for the open plot is adjudicated at Rs.750/- per sq. meter and the enhancement granted for the constructed area is maintained.

The amount of compensation if not deposited with the Reference Court shall be deposited within period of four months from today. On such deposit, the claimant would be entitled to withdraw the same.

First Appeal is allowed in aforesaid terms with no order as to costs.

JUDGE