

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

FIRST APPEAL NO.859 OF 2015

Executive Engineer, Bembla Project Division, Yavatmal, Tal. and Dist. Yavatmal

-vs-

Dilip s/o Vasudeo Waghmare and ors.

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

Court's or Judge's Orders.

Shri M. A. Kadu, Advocate for appellant.
Ms M. S. Naik, AGP for respondent Nos.6 and 7.

CORAM : A.S.CHANDURKAR, J.

DATE : February 12, 2019

It is submitted by Shri M. A. Kadu, learned counsel for the appellant that in view of adjudication in First Appeal St. No.189/2018 (*VIDC and anr. vs. Vasant Nanaji Patre and ors.*) dated 19/12/2018 arising from village Pahur, Taluka Babhulgaon, District Yavatmal the present appeal can be disposed of.

2. In First Appeal St.No.189/2018 this Court has found an amount of Rs.750/- per sq. metre to be fair compensation for the open plot of land acquired. The compensation granted for the constructed portion as awarded by the Land Acquisition Officer has been maintained. Considering the fact that the present appeal also arises from the acquisition undertaken from village Pahur and under the same Notification, by adopting the reasons assigned in First Appeal St.

No.189/2018 the following order is passed :

(i) The judgment of the Reference Court dated 05/01/2012 in L.A.C. No.83/2004 is partly modified. The claimants are entitled for compensation at the rate of Rs.750/- per sq. metre for plot No.684 admeasuring 155.60 sq. metres. The compensation granted for the constructed area at the rate of Rs.2215/- per sq. metre for 107.55 sq. metres is maintained. The rest of the award granting statutory benefits stands confirmed.

The claimants are entitled to receive the amount of compensation in terms of this adjudication. The balance amount if any be refunded to the appellant with accrued interest.

The First Appeal is partly allowed in aforesaid terms. No order as to costs.

JUDGE