

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

CIVIL APPLICATION (CAF) NO.2475 OF 2017
IN
FIRST APPEAL ST. NO.5532 OF 2017

The Executive Engineer, (VIDC) Bembla Project Divn. Yavatmal and anr.
-vs-
Rambhau Marotrao Shahade (Dead) Thr.Lrs Anjanabai Rambhau Shahade 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 applicant/appellant.
Shri A. B. Nakshane, Advocate for respondent Nos.2 to 4.
Ms H. N. Prabhu, AGP for respondent Nos.5 and 6.

CORAM : A.S.CHANDURKAR, J.
DATE : February 15, 2019

Prayer is to condone delay in filing the first appeal. The reasons for the cause of delay are mentioned in paragraphs 2 and 3 of the application. The prayer is opposed by the learned counsel for the claimants. However considering the reasons mentioned in the application which are found to be acceptable the delay stands condoned.

Civil Application is allowed and disposed of.

First Appeal St. No.5532 of 2017

The challenge in this appeal is to the adjudication in L.A.C. No.463 of 2007 whereby the Reference Court has awarded an amount of Rs.750/- per sq.metre for the plot of land from village Kolhi, Taluka Babhulgaon, District Yavatmal which was acquired pursuant to Notification dated

31/07/2003.

It is submitted by Shri M. A. Kadu, learned counsel for the appellant that in view of adjudication in F.A.No.791/2010 (*VIDC Thr. Executive Engineer, vs. Vinayak Shankarrao Parimal and ors.*) dated 05/08/2017, this Court has held an amount of Rs.650/- per sq. metre to be fair compensation for the plot of land.

Hence, issue notice for final disposal of the appeal is made returnable forthwith. Shri A. B. Nakshane, learned counsel waives notice on behalf of respondent Nos.2 to 4 and Ms H. N. Prabhu, learned Assistant Government Pleader waives notice on behalf of respondent Nos.5 and 6.

Shri A. B. Nakshane, learned counsel states that the Vakalatnama would be filed within period of two weeks from today. The appeal is accordingly taken up for hearing.

Considering the reasons mentioned in First Appeal No.791/2010 decided on 05/08/2017, the judgment dated 22/01/2013 in L.A.C. No.464/2007 is partly modified. It is held that the claimants are entitled to receive compensation at the rate of Rs.650/- per sq. metre for plot No.172 and an amount at the rate of Rs.1150/- per sq. metre for the constructed area. Rest of the award stands confirmed.

The First Appeal is allowed in aforesaid terms with no order as to costs. The claimants are at liberty to withdraw the amount of compensation in terms of this judgment. The balance amount with accrued interest be refunded to the appellant.

JUDGE