

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL NO. 08 OF 2017

The Executive Engineer,
Bembla Project Division,
Vidarbha Irrigation Development Corporation,
Yavatmal.

.....Appellant

.....Vs.....

1. Bhaskar Sadashiv Pardakhe,
aged about 74 years,
Occ: Farmer, R/o. Pahur,
Tq. Babhulgaon, Dist. Yavatmal.
2. State of Maharashtra,
through Collector, Yavatmal.
3. Special land Acquisition Officer,
Minor Irrigation Works-II, Yavatmal. Respondents

WITH

FIRST APPEAL NO. 1321 OF 2013

Bhaskar S/o Sadashio Pardakhe,
Age – 73 yrs, Occ.-Agriculture
R/o.- Pahur, Tq.-Babhulgaon,
Dist. Yavatmal.

.....Appellant

.....Vs.....

1. The Executive Engineer,
Bembla Project Division,
Yavatmal, Tq. and Dist.-Yavatmal.
2. Special land Acquisition Officer,
Minor Irrigation Works No.II, Yavatmal.

3. The State of Maharashtra,
through Collector, Yavatmal. Respondents

Shri M. A. Kadu, Advocate for the appellant in FA No.08/2017 and respondent no. 1
in FA No.1321/13

Shri A. B. Nakshane, Advocate for respondent no. 1 in FA No.08/2017 and appellant
in FA No.1321/13

Shri H. D. Dubey, AGP for respondent nos. 2 and 3 in both the appeals.

CORAM : M. G. GIRATKAR, J.

DATED : 24/06/2019

COMMON JUDGMENT

First Appeal No. 08 of 2017 is filed by Vidarbha Irrigation Development Corporation, Yavatmal (“Vidarbha Irrigation Development Corporation” for the sake of brevity hereinafter referred to as “VIDC”) challenging the impugned judgment of Reference Court in LAC No. 375 of 2005, by which the Reference Court granted compensation at the rate of Rs.900/- per square meter for the open plot and Rs.2,355/- per square meter for the construction and Rs.24,401/- for fruit bearing trees.

2. First Appeal No. 1321 of 2013 is filed by the land owner for enhancement of compensation.

3. In First Appeal No. 1028 of 2007, which was of village Pahur, this Court has granted compensation to the open plot at

the rate of Rs.750/- per square meter. In another appeals also this Court granted compensation at the rate of Rs.750/- per square meter for the open plot and rest of the order in respect of construction is maintained as it is.

4. In view of the judgment passed by this Court in First Appeal No. 1028 of 2007, land owner is entitled for compensation for open plot at the rate of Rs.750/- square meter.

5. Heard learned Advocate Shri Kadu for the VIDC, learned Advocate Shri Nakshane for land owner and learned AGP Shri Dubey for respondent nos. 2 and 3 in both the appeals.

6. Award in respect of village Pahur was challenged before the Reference Court and the judgment of Reference Court was under challenge before this Court in First Appeal No. 1028 of 2007. Acquired plot and construction etc. are of village Pahur. Therefore, land owner is entitled for compensation at the rate of Rs.750/- per square meter.

7. Heard learned Advocate Shri Kadu for the VIDC. He has strongly objected the compensation granted towards tree. It is pertinent to note that land owner has adduced evidence before Reference Court and there are only 18 trees and compensation is

not exorbitant. Therefore, the amount of compensation granted by the Reference Court is maintained as it is for trees and construction.

8. In that view of the matter, both appeals are partly allowed. land owner/respondent no. 1 in First Appeal No. 08 of 2017 and appellant in First Appeal No. 1321 of 2013 is entitled for compensation at the rate of Rs.750/- per square meter for open plot. Rest of the order of Reference Court is maintained as it is.

9. Both appeals are disposed of.

10. Entire amount of compensation is deposited by VIDC before this Court. After calculating the amount of compensation, the appellant/respondent no. 1/plot owner be paid the amount of compensation at the rate of Rs.750/- per square meter and compensation for construction and trees as per the order of Reference Court alongwith accrued interest thereon.

11. Balance amount, if any, be refunded to the acquiring body/VIDC.

JUDGE