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

First Appeal No.366/2016
Exe.Eng. Bembla Project Div. VIDC, Yavatmal Vs. Dipak Palikundwar & others

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr.S.S. Godbole, Advocate for appellant
Mr. A.B. Nakshane, Advocate for respondent No.1.
Mr. M.B. Lonare, AGP for respondents No.2 and 3.

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 30, 2019

The present appeal has been filed by the acquiring body challenging Judgment and order dated 01/12/2012, passed by the Court of Joint Civil Judge (Senior Division), Yavatmal (Reference Court), whereby enhanced compensation was granted to the respondent No.1 (original claimant), @ Rs.750/- per sq. mtr. for open plot and Rs.1400/- per sq.mtr. for constructed portion.

2. At the outset, it is brought to the notice of this Court by the learned counsel for the respondent No.1 that this appeal could be disposed of in the light of compensation granted by this Court in connected First Appeal No.421/2018 (Executive Engineer, Bembla Project Division, Yavatmal Vs. Subhash Dattatraya Wandle and others), by Judgment and order dated 28/03/2019.

3. It is contended that this Court granted compensation at Rs.650/- per sq.mtr. for the plot of land situated in the very same village Kolhi Tah. Babhulgaon District Yavatmal, pursuant to the same Notification dated 31/07/2003, issued under Section 4 of the Land Acquisition Act, 1894. It was submitted that this Court maintained the quantum of compensation granted for the constructed area. This position is not disputed by the learned AGP appearing on behalf of the respondents No.2 and 3 and also the learned counsel for the appellant. Accordingly, the present appeal is partly allowed and the judgment and order passed by the Reference Court is modified to the extent that the respondent No.1 is found entitled to receive compensation @Rs.650/- per sq.mtr. for open plot, while the quantum of compensation granted for the constructed portion is maintained. The rest of the directions given in the impugned judgment and order are maintained.

4. Accordingly, the appellant shall calculate the exact amount now payable as per this order to the respondent No.1. Upon such calculations being made and presented before the Registry of this Court within a period of 4 weeks from today, the respondent No.1 shall be entitled to withdraw the amount to which he is entitled as per this order, along with accrued interest and balance amount shall be disbursed to the appellant

along with accrued interest.

5. Appeal is disposed of.

JUDGE

MP Deshpande