

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

FIRST APPEAL NO. 514 OF 2015

Executive Engineer, (V.I.D.C.)
Minor Irrigation Division,
Washim Dist. Washim.

..... Appellant

.....Vs.....

1. Kisan Nawaluji Kate through POA
Shankar Kisan Kate, Age 32 years,
Occupation Agriculturist,
R/o Pimpri (Hanuman), Tq. Manora,
District Washim.
2. The State of Maharashtra,
Through its Collector, Washim,
Tq. & Dist Washim.
3. The Special Land Acquisition Officer,
of Pimpri Dam, Mangrul,
Tq. Mangrul, Dist. Washim.

..... Respondents

Mrs. U. A. Patil, Advocate for the appellant.
Shri A. B. Darekar, Advocate for respondent no. 1. (1A to 1D)
Shri Nikhil Joshi, AGP for respondent nos. 2 and 3

CORAM : M. G. GIRATKAR, J.

DATED : 14/08/2019

ORAL JUDGMENT

1] Heard Mrs. Patil learned Counsel for the appellant, Shri Darekar
learned Counsel for respondent no. 1 (1A to 1D) and Shri Joshi, learned
AGP for respondent nos. 2 and 3.

2] As per the submission of Mrs. Patil learned Counsel for the appellant, the matter is covered by Government Resolution dated February, 2013. As per the Government Resolution, four times of the market value is agreed to be given towards compensation by the Government of Maharashtra. Therefore, the compensation granted by the Reference Court at the rate of Rs.95,000/- per hectare is perfectly legal and correct and as per Government Resolution the appeal is to be disposed of.

3] The only dispute is in respect of Well. The Reference Court has granted compensation of Rs.20,000/- for Well. Nowadays, more than Rs.1,00,000/- is required for the construction of well and, therefore, compensation of Rs.20,000/- is most reasonable.

4] Hence, there is no merit in the appeal. Accordingly, the appeal is dismissed with no order as to costs.

CIVIL APPLICATION (CAF) NO. 2494 OF 2019

The amount of compensation is deposited before this Court by the appellant. The application is allowed. Respondent no. 1 (1A to 1D) is permitted to withdraw the amount of compensation of Rs.10,23,474/- deposited before this Court alongwith accrued interest, if any.

Accordingly, the application is disposed of.

JUDGE