

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO. 1026/2007

(VIDC THR. EXE. ENGR. BEMBLA PROJECT DIVN., YAVATMAL **VERSUS** SURESH MAHADEO
 SAWWALAKHE & OTHERS)

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

Court's or Judge's orders

Shri A.B. Patil, counsel for appellant.
 Shri A.B. Nakshane, counsel for R-1.
 Mrs. M. Naik, A.G.P. For the R-2 & 3.

CORAM : A.S. CHANDURKAR, J.

DATE : FEBRUARY 18, 2019.

Heard. It is submitted by learned counsel for the parties that in view of adjudication in **First Appeal St. No.189 of 2018** (*VIDC & Another Versus Vasant Nanaji Patre & Others*) dated 19.12.2018 arising from village Pahur, Taluka Babhulgaon, District Yavatmal, the present appeal can be disposed of.

In First Appeal St. No.189 of 2018, this Court has held that an amount of Rs.750/- per square meter for an open plot of land acquired from village Pahur, Taluka Babhulgaon, District Yavatmal would be fair compensation. The notification under Section 4 of the Land Acquisition Act, 1894 in this appeal is dated 11.05.2000 which was the same notification in the appeal mentioned above.

Hence, for reasons assigned in First Appeal St. No. 189 of 2018 (*VIDC & Another Versus Vasant Nanaji Patre & Others*) dated 19.12.2018, this appeal is partly allowed as under:-

I. The judgment of the Reference Court in L.A.C. No.76 of 2004 dated 26.04.2007 is partly modified.

- II. The claimants are held entitled to receive an amount of Rs.750/- per square meter for Plot No.392 admeasuring 57.80 square meters. He is also entitled to receive an amount of Rs.2,75,000/- for the constructed portion on the said plot.
- III. Other directions in the award are confirmed.
- IV. The claimant is at liberty to withdraw the amount of compensation in terms of this judgment.
- V. The balance amounts if any be refunded to the appellant with accrued interest.

The First Appeal is partly allowed in aforesaid terms and disposed of with no order as to costs.

JUDGE

APTE