

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

C.A.F. No.339 of 2019 in F.A. St.No.15609 of 2018
(V.I.D.C. and another .vs. Gulab Hari Wagade (D) through L.Rs. and
Ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.H.D.Marathe, Advocate for the appellant.
Mr.V.P.Maldhure, A.G.P. for respondent nos.
2 and 3.

CORAM : N. W. SAMBRE, J.

DATE : 1.10.2019.

Heard.

For the reasons disclosed in the
application, delay is condoned. Application is
allowed.

First Appeal St.No.15609 of 2018

Section 4 notification in the case in hand was issued on 26.7.2007. The Land Acquisition Officer awarded compensation of Rs.65,000/- per hectare, of which enhancement is sought. The Reference Court considered the documentary evidence brought on record i.e. sale instance at Exh.27, dt.10.12.2004 and Exh.26 dt.13.9.2004 of mouza Ralegaon and village Mengapur, from where land was acquired by the appellant, which is 4 kilometres away. Considering N.A.

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potential of the land reflected in the sale deed, the Reference Court has awarded compensation of Rs.3,50,000/- per hectare. In spite of existence of well, the Reference Court has not awarded any compensation for the land in question considering the same to be having irrigation potential, as land owner has failed to produce any evidence in support of the irrigation facility. As such, award of compensation appears to be quite reasonable. No case for interference is made out. The appeal fails. The same is dismissed,.

The appellants are directed to deposit entire amount of compensation, if not already deposited, in the Reference Court within a period of three months from today.

JUDGE

jaiswal