

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

First Appeal No.264/2019

Uddhav Thul Vs. The Spl.Land Acquisition Officer, Bembla Project, Yavatmal

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

Court's or Judge's orders

Mr. D.U. Thakre, Advocate for appellant
Mrs. M.S. Naik, AGP for respondents 1 and 3.
Mr. M.A. Kadu, Advocate for respondent No.2.

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 25, 2019

By this appeal, the appellant (original land owner / claimant), has challenged Judgment and order dated 12/01/2015, passed by the Court of Jt. Civil Judge (Sr.Dn.), Yavatmal (Reference Court), whereby reference was partly allowed and the appellant was granted enhanced compensation @Rs.500/- per sq. mtr. for open plot and @Rs.600/- per sq. mtr. for construction in village Dighi Tah. Babhulgaon Dist. Yavatmal.

2. The learned counsel for the respondents invited attention of this Court on Judgment and order dated 25/06/2019, passed by this Court in First Appeal No.794/2018 (Executive Engineer, Bembla Project, Yavatmal Vs. Narayan Harbaji Punse and Others). It was pointed that the said judgment also pertained to acquisition of similar property from the very same village Dighi. In the said appeal, this Court passed its judgment and order partly allowing the same holding

that the respondents were liable to pay compensation @Rs.500/- per sq. mtr. for open plot and they were liable to pay compensation towards constructed portion by granting an increase of 25% on the amount of compensation granted for the constructed portion by the Land Acquisition Officer.

3. As noted above, in the present case, the Reference Court granted compensation @Rs.500/- per sq. mtr. for the open plot and in view of the said Judgment of this Court in the case of First Appeal No.794/2018(supra), the appellant would not be entitled to any further compensation. In so far as compensation in the constructed portion is concerned, the Reference Court has already granted enhanced compensation @Rs.600/- per sq. mtr. for the constructed portion of 92.10 sq.mtr., which in the facts and circumstances of the present case was clearly much above the increase of 25% over the quantum of compensation granted by the Land Acquisition Officer for the constructed portion. Therefore, further enhancement claimed by the appellant cannot be granted. In any case, since there is no appeal filed by the respondents to the Judgment and order passed by this Court and they have accepted the same, this Court deems it fit to dismiss the appeal and to confirm the Judgment and order passed by the Reference Court.

JUDGE