

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

FIRST APPEAL NO.108 OF 2019

The Executive Engineer, Bembla Project Yavatmal, Dist. Yavatmal

-vs-

Ashok Ganpat Dagwal and ors.

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

Court's or Judge's Orders.

Shri M. A. Kadu, Advocate for appellant.

Shri D. A. Sonwane, Advocate for respondent Nos.1 to 3 .

Ms M. S. Naik, AGP for respondent Nos.4 and 5.

CORAM : A.S.CHANDURKAR, J.

DATE : February 07, 2019

Heard.

Admit.

Shri D. A. Sonwane, learned counsel waives notice for respondent Nos.1 to 3. Ms M. S. Naik, learned Assistant Government Pleader waives notice for respondent Nos.4 and 5.

It is submitted on behalf of the appellant that in view of earlier adjudication in First Appeal No.487/2006 by this Court, the amount of compensation for open area at the rate of Rs.500/- per sq. meter stands adjudicated. It is submitted that in the present case the Reference Court has granted compensation at the rate of Rs.550/- per sq. meter. Since the acquired land is from the same village and acquired under similar Notification, the amount of compensation is liable to be reduced to Rs.500/- per sq. meter. Hence for the reasons assigned

in F.A. No.487/2006, following order is passed :

(i) The judgment of the Reference Court in L.A.C.No.190 of 2005 is partly modified. The claimant is held entitled to enhanced compensation at the rate of Rs.500/- per sq. meter for the open plot acquired. Rest of the award stands confirmed.

(ii) The appellant shall deposit the amount of compensation with interest as granted in this Court within period of three months from today. On such deposit the claimant would be free to withdraw the same.

(iii) The First Appeal is allowed in aforesaid terms.

JUDGE