

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

FIRST APPEAL NO.308 OF 2017
WITH
CORSS OBJECTION NO.11 OF 2019

The Executive Engineer, Medium Project Division, Nagpur, VIDC Nagpur

-vs-

Premdas s/o Vishwanath Deshbhratar 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 N. M. Gaidhane, Advocate for appellant.
Shri C. R. Nagjbile, Advocate for respondent
No.1/Cross-objector.
Ms M. S. Naik, AGP for respondent Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.
DATE : March 07, 2019

Civil Application No.939 of 2019

With consent of counsel for the parties prayer made in Civil Application No.939 of 2019 is granted. The appeal is taken up for hearing by disposing of the Civil Application.

First Appeal No.308/2017
with
Cross-objection No.11/2019

In the present proceedings pursuant to the Notification dated 18/06/1998 issued under Section 4 of the Land Acquisition Act, 1894 house No.77 situated at Mouja Isapur, Tahsil Katol, District Nagpur came to be acquired. The claimant had filed reference proceedings as he was not satisfied with the quantum of

compensation. The Reference Court has enhanced the compensation for the open land at Rs.300/- per sq. meter and Rs.4000/- per sq. meter for the constructed portion.

It is not in dispute between the learned counsel for the parties that this Court in earlier adjudication in First Appeal No.1078/2016 (*The Executive Engineer, Nagpur Medium Project, VIDC Nagpur vs. Nama Bhanhji Gajbhiye and ors.*) decided on 06/09/2017 has determined an amount of Rs.300/- per sq. meter as compensation for the open plot and Rs.5500/- per sq. meter for the constructed portion. Hence accepting the reasons assigned in the aforesaid judgment, the following order is passed :

The judgment of the Reference Court in L.A.C. No.291/2002 is partly modified. The claimant is entitled to an amount of Rs.300/- per sq. meter for the open plot and Rs.5500/- per sq. meter for the constructed portion. The claimant is entitled to withdraw the amount of compensation in terms of this adjudication.

The First Appeal and Cross-objection are disposed of in aforesaid terms.

JUDGE