

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

C.A.F.No.1480 of 2019 in F.A.St.No.20592 of 2018
(Executive Engineer, Bembla Canal Division, Yavatmal .vs. Madhav
Krishna Badade (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

*Ms I.P.Khisti, Advocate for the
appellant/applicant.
Ms H.H.Jaipurkar, A.G.P. for respondent nos. 2 and
3.*

CORAM : N. W. SAMBRE, J.

DATE : 1.10.2019.

Heard.

The Executive Engineer of the Bembla Canal Division, Yavatmal Mr.Kondawar is personally present in the Court and has expressed his regret for not complying with earlier orders of deposit of amount. He submits that delay in compliance is based on communication gap and technical errors. The explanation tendered is accepted. His presence is discharged.

Though served,, none appears for respondent nos.1(A) and 1(B). There is delay of 315 days caused in preferring the present appeal. For the reasons disclosed, delay is condoned. Application is allowed.

2**First Appeal St.No.20592 of 2018**

Heard.

Enhancement of compensation in the case in hand is based on Judgment in L.A.C. No.32 of 2012 which, I am informed is subject matter of challenge in F.A. St.No.5271 of 2018.

The land in question is from village Gujar which is located almost about 4 kilometres inside the main road i.e. Ralegaon-Wadki road. Considering the location of the village, date of Section 4 notification i.e. 22.2.2007, prima facie, it appears that enhanced compensation @ Rs.4,20,000/- per hectare appears to be too exorbitant. Hence, **Admit.**

Ms Shamshi Haider, learned Assistant Government Pleader waives service for respondent nos. 2 and 3.

Call the record and proceedings.

Paper book be filed within a period of none months.

JUDGE

jaiswal