

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

**C.A.F. No.3229 of 2018 in F.A. St.No.21567 of 2017**  
**(The Executive Engineer, Bembla Project Division, Yavatmal .vs.**  
**Pradeep Gangadhar Pal and Ors.)**

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

Court's or Judge's Orders

*Mr.P.B.Patil, Advocate for the appellant/applicant.*  
*Mr.N.C.Majithia, Advocate for respondent no.1.*  
*Mr.M.P.Kadu, A.G.P. for respondent nos. 2 and 3.*

**CORAM** : N. W. SAMBRE, J.

**DATE** : 26.9.2019.

Heard.

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

**First Appeal St.No.21567 of 2017**

Heard.

Enhancement in the case in hand is  
based on decision in L.A.C. No.618 of 2012  
which is in relation to the land located 1½  
kms. away from the land under reference.  
Compensation based on the aforesaid was  
worked out at Rs.3,21,000/- by granting 7 %  
enhancement over the Judgment delivered in  
L.A.C. No.618 of 2012 considering the  
distance of 1½ kms.

I am informed that the appeal in

**2**

L.A.C. No.618 of 2012 is already withdrawn in view of policy as enhancement therein was granted four times of one which was granted by the L.A.O.

As far as the case in hand is concerned, the location of village is not in dispute. What is disputed is absence of evidence for arising at the conclusion for grant of compensation of Rs.3,21,000/-.

In view of admitted position that distance between two villages is 1 ½ km. and the land involved in the case in hand is at the distance of 1 ½ kms. before the land acquired in L.A.C. No.618 of 2012, grant of 7 % enhancement is very much justified. No interference is warranted. The appeal fails. Hence, dismissed.

**JUDGE**

jaiswal