

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

FIRST APPEAL NO.440 OF 2017

Vidarbha Irrigation Development
Corporation, through its Executive
Engineer, Bembla Project Division,
District Yavatmal.

..... **APPELLANT**

// VERSUS //

1.Pavan Manohar Pardakhe,
Aged about 51 years, Occ.
Nil, r/o. Yavamal, Tq.
Yavatmal, District
Yavatmal.

2.The State of Maharashtra,
through Collector, Yavatmal.

3.Special Land Acquisition Officer,
Bembla Project, Yavatmal,
Tq. & District Yavatmal.

..... **RESPONDENTS**

Mr.J.B.Kasat, Advocate for the Appellant.
Mr.A.B.Nakshane, Advocate for Respondent No.1.
Mr.N.S.Rao, A.G.P. for Respondent Nos. 2 and 3.

CORAM : M.G.GIRATKAR, JJ.

DATED : 12.2.2020.

ORAL JUDGMENT :

1. This appeal is filed by the appellant/Vidarbha Irrigation Development Corporation against the Judgment of Reference Court in L.A.C. No.371 of 2006 decided by the Civil Judge (Sr.Dn.), Yavatmal on 5.9.2014.

2. The facts giving rise to the present appeal, in short, are as under :

Open plot no.190 admeasuring 70.60 sq. mt. of mouza Dighi, Tq.Babhulgaon, District Yavatmal having construction over it admeasuring 49.40 sq. mt. was acquired by the appellant for Bembla project. Notification under Section 4 of the Land Acquisition Act was published on 4.2.1999. The Land Acquisition Officer passed the Award on 10.4.2002 and granted

total compensation of Rs.89,267/-. Respondent no.1 was not satisfied with the Award passed by the Land Acquisition Officer. Hence, he filed reference before the Court. The Reference Court partly allowed the reference and granted enhanced compensation @ Rs.484/- per sq. mt. for open plot admeasuring 21.20 sq. mt. and @ Rs.1700/- per sq. mt. for constructed area admeasuring 49.40 sq. mt. along with statutory benefits. Hence, this appeal by the appellant/Vidarbha Irrigation Development Corporation.

3. Heard Mr.J.B.Kasat, learned Counsel for the appellant. He has submitted that excessive amount of compensation is granted by the Reference Court and therefore, prayed to allow the appeal.

4. Mr.A.B.Nakshane, learned Counsel for respondent no.1 has pointed out decision of this Court in First Appeal No.3196 of 2017 and submitted that the house and open plot situated at village Dighi were acquired in the said appeal by the V.I.D.C. This Court has granted compensation @ Rs.500/- per sq. mt. for open plot and 25 % increase on the amount of compensation granted by the Land Acquisition Officer. This position is not disputed by the parties on the both side.

5. The Reference Court has granted enhanced amount of compensation after verifying the record and after scrutinizing the evidence of Valuer. Therefore, there is no any infirmity or illegality in the impugned Judgment. Hence, the appeal is devoid of merits. The same is accordingly dismissed with no order as to costs.

Respondent no.1 is permitted to withdraw the amount of compensation deposited before this Court along with accrued interest, if any.

JUDGE

[jaiswal]

