

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

FIRST APPEAL NO. 836 OF 2010

Vidarbha Irrigation Development Corporation,
through its Executive Engineer,
Bembla Project, Division Yavatmal,
Tq. & Dist. Yavatmal.

...APPELLANT

Versus

1. Manoj Dnyaneshwar Pardakhe,
aged Major, Occ. Cultivator,
R/o Dighi, Tq. Babhulgaon, Distt. Yavatmal.
2. The State of Maharashtra,
through the Collector, Yavatmal.
3. The Special Land Acquisition Officer,
Bembla Project, Yavatmal,
Tq. & Dist. Yavatmal.

...RESPONDENTS.

Shri A.B. Patil, Advocate for the appellant.
Shri A.B. Nakshane, Advocate for respondent No.1.
Ms. H.N. Jaipurkar, A.G.P. for respondent Nos. 2 and 3.

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CORAM : PUSHPA V. GANEDIWALA, J.
DATED : 23/07/2021.

JUDGMENT :

The acquiring body VIDC takes exception to the judgment and award dated 15/10/2009 passed by the Joint Civil Judge, Senior Division, Yavatmal in L.A.C. No. 478/2003, whereby the Reference Court enhanced the compensation @

Rs.740/- per square meter for open plot admeasuring 94.5 square meters, and @ Rs.1200/- per square meter for the built up area admeasuring 30 square meters in respect of the house property bearing plot No. 316 to respondent No.1/ original claimant.

2. Shri Patil, learned counsel for the appellant, brought to the notice of this Court the judgments passed by this Court in the case of **Vidarbha Irrigation Development Corporation Vs. Nitin Pralhadrao Pardakhe & Ors. (First Appeal No. 487/2006 with Cross Objection No. 22/2007** with other connected matters decided on 12-13/10/2010) so also in the case of **Executive Engineer Vs. Narayan Harbaji Punse (dead) thr. LRs & Ors. (First Appeal No. 794/2018** decided on 25/06/2019), whereby this Court had fixed the compensation @ Rs.500/- per square meter for open plot, and therefore, the learned counsel requested this Court to fix the same rate, if respondent No.1 has no objection.

3. Shri Nakshane, learned counsel for respondent No.1, conceded to the proposal given by the learned counsel for the appellant.

4. In this view of the matter, the appeal stands partly allowed. The impugned judgment and award dated 15/10/2009 passed by the Joint Civil Judge, Senior Division, Yavatmal in L.A.C. No. 478/2003 stands modified as under :

i. The appellant to pay enhanced compensation @ Rs.500/- per square meter for open plot admeasuring 94.5 square meter, and @ Rs.1200/- per square meter for the built up area admeasuring 30 square meters in respect of house property bearing plot No. 316, to respondent No.1.

ii. The appellant may deduct the amount of compensation already accepted by respondent No.1 in L.A.C. No.4/47/1997-98 out of the enhanced amount of compensation.

iii. Respondent No.1 shall be entitled to other statutory benefits and interest.

- iv. In the circumstances, parties to bear their own costs.

JUDGE

Sumit