

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

FIRST APPEAL NO. 1332 OF 2008

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

.... **APPELLANT**

// VERSUS //

1.Subhashrao Tulshiram Kawalkar,
aged 67 years, R/o Dighi,
Tq. Babhulgaon, Distt. Yavatmal.

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

3. The Special Land Acquisition Officer,
Bembla Project, Yavatmal.

.... **RESPONDENTS**

Shri A.B. Patil, Advocate for appellant.
Shri Abhay Sambre, Advocate for respondent no. 1.
Ms. S. Haider, A.G.P for respondent nos. 2 and 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 15/01/2021.

JUDGMENT :

By consent of the learned Counsel appearing for the parties, Appeal is taken up for final disposal.

2. The appellant- acquiring body has challenged the judgment and award dated 10.03.2006 passed in Land Acquisition Case No. 468 of 2003.

3. The brief facts necessary to decide the appeal, are as under;

(i) The respondent no. 1 – original claimant was the owner of the plot nos. 196 and 197 having total area 106.30 sq. meter and 187.50 sq. meter, out of which 63.15 sq. meter and 130.00 sq. meters was constructed area. The appellant-Corporation had acquired the said land for public purpose. Notification under Section 4(1) was issued on 22.03.1999. Award under Section 11 of the Land Acquisition Act, 1894 (for short “the Act of 1894”) was passed on 10.04.2002. The Land Acquisition Officer awarded compensation of Rs.3,98,178/-. The respondent no. 1 accepted the said compensation under protest and claimed enhance compensation of Rs.7,48,019/-. The Reference Court upon considering the evidence on record, partly allowed the reference and awarded compensation of Rs.1,49,600/- over and above the compensation awarded by the Land Acquisition Officer. Being aggrieved by the impugned judgment and award, the appellant-Corporation has preferred this appeal.

4. In the course of hearing, learned Counsel for the appellant has fairly stated that the connected appeal nos. 487 of 2006 and First Appeal No. 492 of 2006 have been disposed of vide judgment dated 12th and 13th October 2010 and 1st August 2017 respectively. He further submits that the policy decision has been taken to award compensation of additional 25% of the total compensation awarded by the Land Acquisition Officer in respect of constructed area.

5. In the present case, the compensation awarded by the Reference Court is less than 25% of total compensation, as per the policy decision. Under the circumstances, no interference is warranted in the impugned judgment. Hence, the appeal stands dismissed. No order as to costs.

JUDGE

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