

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

FIRST APPEAL NO. 518 OF 2015

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

...APPELLANT

Versus

1. Rambhau Zapraji Pardakhe,
aged Major, Occ. Agriculturist.

Deleted vide Court's order dated 22/04/2015.

2. Dilesh Ravindra Pardakhe,
aged Major, Occ. Agriculturist,
Both R/o Dighi, Tq. Babhulgaon,
District Yavatmal.
3. The State of Maharashtra,
through the Collector, Yavatmal.
4. The Special Land Acquisition Officer,
Bembla Project, Yavatmal.

...RESPONDENTS.

Shri A.B. Patil, Advocate for the appellant.
Shri A.B. Nakshane, Advocate for respondent No.2.
Shri A.M. Kadukar, A.G.P. for respondent Nos. 3 and 4.

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CORAM : PUSHPA V. GANEDIWALA, J.
DATED : 06/08/2021.

JUDGMENT :

The acquiring body VIDC takes exception to the
judgment and award dated 20/04/2010 passed by the Civil

Judge, Senior Division, Yavatmal in L.A.C. No. 681/2006, whereby the Reference Court enhanced the compensation @ Rs.740/- per square meter for open plot admeasuring 220.2 square meters, and @ Rs.2,100/- per square meter for the built up area admeasuring 196.2 square meters in respect of the plot bearing No. 193 to respondent Nos.1 and 2/ original claimants.

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.2 has no objection.

3. Shri Nakshane, learned counsel for respondent No.2, 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 20/04/2010 passed by the Civil Judge, Senior Division, Yavatmal in L.A.C. No. 681/2006 stands modified as under :

i. The appellant to pay enhanced compensation @ Rs.500/- per square meter for open plot admeasuring 220.2 square meter, and @ Rs.2,100/- per square meter for the built up area admeasuring 196.2 square meters in respect of plot bearing No. 193, to respondent No.2.

ii. The appellant may deduct the amount of compensation already accepted by respondent No.2 in L.A.C. No.4/47/1997-98 out of the enhanced amount of compensation.

iii. Respondent No.2 shall be entitled to other statutory benefits and interest.

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

JUDGE

Sumit