

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

FIRST APPEAL NO. 187 OF 2009

Vidharbha Irrigation Development
 Corporation,
 Through its Executive Engineer, Minor
 Irrigation Division, Wardha, Tahsil –
 Wardha, District - Wardha

} .. **APPELLANT**

Versus

1. Manik S/o Shivram Raut,
 Aged about 65 years,
 Occupation – Cultivator,
 Resident of Pipalgaon,
 Tah. Arvi, District – Wardha
2. State of Maharashtra, Through Collector,
 Wardha
3. Special Land Acquisition Officer,
 Nippon Denro Inspat, Wardha, Tah. and
 Distt. Wardha

} .. **RESPONDENTS**

Mr. C.V. Dhumane, Advocate for appellant

Mr. K.L. Dharmadhikari, A.P.P. for respondent

CORAM: V.M. DESHPANDE, J.

DATE : 27/10/2021

ORAL JUDGMENT :

This appeal was filed in the year 2009 by Vidharbha
 Irrigation Development Corporation through its Executive

Engineer, Minor Irrigation Division, Wardha under Section 54 of the Land Acquisition Act to challenge the judgment and decree passed by the learned Adhoc District Judge -2, Wardha dated 08/01/2007 in Land Acquisition Case No. 139/2001. By the impugned judgment and decree, the learned Reference Court partly allowed the Reference Petition filed by respondent No.1 – Manik Raut. The appeal was admitted by this Court (Coram : Prasanna B. Varale, J.) on 19/03/2009. By admitting the appeal the Court directed the appellant to deposit the decretal amount in this Court within a period of four weeks. Thereafter, on 03/07/2009, the matter was listed again and on that day, the learned counsel for the appellant made a statement that the amount is deposited in the Reference Court on 02/08/2008. His statement was accepted. Therefore, this court (Coram : A.B. Chaudhari, J.) directed the Reference Court to invest the amount in fixed deposit in any nationalized bank until decision of the appeal. Liberty was granted in favour of the respondent / claimant to apply for withdrawal.

2. In pursuance to the notice, Shri C.V.Jagdale, learned

counsel filed *vakalatnama* for respondent No.1 (original claimant). Today, he is absent.

3. Today, when the matter taken up for its final hearing, the learned counsel Shri Dhumane for appellant and Shri K.L. Dharmadhikari, learned AGP for respondents / State are present. The learned counsel for the appellant – VIDC submitted that he has instructions on behalf of appellant - VIDC to withdraw the appeal and he tendered pursis along with the written instructions to him by the Executive Engineer for withdrawal of the appeal. The said pursis along with written instructions are taken on record and marked as 'Exhibit X'.

4. In view of the pursis, following order is passed.

(i) Appeal is disposed of as withdrawn.

(ii) If the compensation amount deposited by the appellant is not withdrawn by the respondent No.1 – Manik Raut, the learned Reference Court is directed to issue notice to respondent No.1 – Manik and disburse the amount deposited by the appellant along with accrued interest immediately.

5. With this, the appeal stands disposed of.

JUDGE

MP Deshpande