

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

FIRST APPEAL NO. 215 OF 2010

(VI.D.C., Bembla Project Division, Yavatmal Vs. Ashok s/o Vasant Ajmire and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.B. Patil, learned counsel for the appellant.
Shri A.B. Nakshane, Advocate for respondent No.1.
Shri A.M. Kadukar, A.G.P for respondent Nos.2 & 3/State.

CORAM:- PUSHPA V. GANEDIWALA, J.
DATED :- AUGUST 17, 2021

Heard.

2. It is submitted by the learned counsel for the parties that in view of adjudication in First Appeal St. No.189 of 2018 (VIDC & Another Versus Vasant Nanaji Patre & others) dated 19/12/2018 arising from village Pahur, Taluka Babhulgaon, District Yavatmal, the present appeal can be disposed of.

3. In view of the above, the learned counsel is not pressing this appeal on the aspect of compensation for constructed area enhanced by the learned Reference Court at the rate of Rs.1400/-.

4. The aforesaid judgment has also been referred to by this Court in First Appeal No.496 of 2015 (Executive Engineer (VIDC) Versus Vinod Namdeorao Hote & others) decided on 18/02/2019.

5. In First Appeal St. No.189 of 2018, this Court has held that an amount of Rs.750/- per square meter for an open plot of land acquired from village Pahur, Taluka Babhulgaon, District Yavatmal would be fair compensation. The notification under Section 4 of the Land Acquisition Act, 1894 in this appeal is dated 11/05/2000 which was the same notification in the appeal mentioned above.

6. Hence, for reasons assigned in First Appeal St. No. 189 of 2018 (VIDC & Another Versus Vasant Nanaji Patre & Others) dated 19/12/2018, this appeal is partly allowed as under:-

(i) The judgment of the Reference Court in L.A.C. No.37 of 2005 dated 05/11/2008 is partly modified.

(ii) The claimants are held entitled to receive an amount of Rs.750/- per square meter for Plot No.394 admeasuring 155.50 square meters. They are also entitled to receive an amount of Rs.1400/- per square meter for the constructed portion ad-measuring 67.17 square meters.

(iii) Other directions in the award are confirmed.

(iv) The appellant to deposit the balance amount of compensation with accrued interest thereon, if not already deposited, within a period of eight weeks from the date of this judgment.

(v) Thereafter, the claimants are at liberty to withdraw the amount of compensation in terms of this judgment.

The First Appeal is partly allowed in the aforesaid terms and disposed of with no order as to costs.

JUDGE

**DB*