

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

First Appeal No.135 of 2018

V.I.D.C., through Executive Engineer, Minor Irrigation Division, Pusad
vs.

Shakuntalabai Ramkrushna Maske & others

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*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri Shri R.C. Raibhandare, Advocate for the Appellant.
 Shri V.D. Darne, Advocate for Respondent No.1.
 Ms. T.H. Udeshi, A.G.P. for Respondent Nos.2 & 3.*

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 5th MARCH, 2021.

The applicant herein has challenged the judgment and award, dated 21/01/2011 in L.A.C. No.27/2006 passed by learned Civil Judge, Senior Division, Kelapur.

02] The land of the appellant, admeasuring 0.27 ares from Survey No.192/2 of Village Palsoni was acquired for the purpose of construction of main Canal of Navargaon Lake Project. Section 4 notification was published on 17/03/2001 and award was declared on 28/02/2005. The Land Acquisition Officer had granted compensation of Rs.60,000/-. Being dissatisfied with the quantum of compensation, the appellant sought reference under Section 18 of the Land Acquisition Act, 1894 (hereinafter shall be referred to as the 'Act' for short). The Reference Court, after considering the evidence on record, granted enhanced compensation to Rs.2,50,000/-. The Acquiring Body has challenged this judgment and award in this appeal filed under Section 54 of the Act.

03] Learned Counsel for respondent No.1 states that the matter is covered by judgment dated 27/11/2018 passed by this Court in First Appeal St.No.16982/2014. He submits that the land, which was the subject matter of the said appeal, is situated in the same village and that the said land was also acquired by the same notification and for the same purpose. He states that the nature of the subject land is similar to the land, which was the subject matter in First Appeal St. No.16982/2014.

04] Learned Counsel for the Acquiring Body does not dispute this statement and further confirm that the present appeal is covered by the said judgment.

05] In view of the said statement and in view of the reasons stated in the judgment, dated 27/11/2018, the appeal is dismissed.

06] The amount deposited by the Acquiring Body along with interest accrued thereon is ordered to be paid to respondent No.1.

JUDGE

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