

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

FIRST APPEAL NO.494/2019

1. Vidarbha Irrigation Development Corporation,
through its Executive Engineer,
Bembla Project Division No.5,
Yavatmal, Tq & Dist. Yavatmal.

2. The Executive Engineer,
Bembla Project Division No.5, Yavatmal.
Tq & Dist. Yavatmal.

... Appellants.

-Versus-

Mukinda Bisen Sidam (Dead)
Through Lrs.

1. Bhanudas Mukinda Sidam,
Age 45 years, Occ.Labour,
2. Banabai Yadavrao Pendor,
Age 60 years,
3. Bebibai Kehao Madavi,
Age 55 Years,
4. Shankar Mukinda Sidam,
Age 50 Years,
5. Mangala Bhagwan Kinkar,
Age 45 Years,
6. Vimla Vasantrao Madavi,
Age 40 Years,
7. Maroti Mukinda Sidam,
Age 35 Years,

8. Sadhna Rajendra Todsam,
Age 30 Years,

9. Pandurang Mukinda Sidam (Dead)
Through Lrs.

9-a) Anandabai Pandurang Sidam,
Age 45 Years,

9-b) Yogesh Pandurang Sidam,
Age 25 Years,

9-c) Pratibha Pandurang Sidam,
Age 20 Years,

9-d) Priyadrashani Pandurang Sidam,
Age 18 Years.

(Ori. claimants)

All R/o.-Nagargaon, Tq. Babhulgaon, Distt- Yavatmal.

10. The State of Maharashtra,
through Collector, Yavatmal,
Tq. & Dist- Yavatmal.

(Ori. Resp.no.1)

11. The Special Land Acquisition Officer,
Bembla Project Division No.5, Yavatmal.
Tq. & Dist- Yavatmal.

(Ori. Resp.no.2)

.... Respondents.

Mr. M.A. Kadu, Advocate for appellants.

None for Lrs of the respondent no.1.

Mr. Mayuri Deshmukh, AGP for respondents no.10 and 11.

CORAM : AVINASH G GHAROTE, J.

DATE : 25-11-2022.

ORAL JUDGMENT

. Heard Mr. Kadu, learned Counsel for the appellants,
Mr. Hajare and Mr. Rathi, learned Counsel for the LR's of

respondent no.1 are absent and Mrs. Mayuri Deshmukh, learned AGP for respondent nos.10 and 11.

2. The factual position in the present appeal is as under -

Plot No.-131			L.A.O.	Reference Court
Village- Nagargaon			21-03-2002	dated 06-05-2017
Tahsil -Babhulgaon	Plot Area	-224.50	Rs.70/-per	Rs.500/- per
Dist- Yavatmal.	Sq.Mtr.		sq.mtr.	sq.mtr.
	Constructed	area-68	Rs.1234/- per	Rs.2100/-per
	Sq.Mtr.		sq.mtr.	sq.mtr.

3. The appeal challenges the judgment of the Reference Court dated 06-05-2017, whereby the learned Reference Court has enhanced the compensation for the open plot to Rs. 500/-per sq.mtr. and has granted compensation for the constructed area at the rate of Rs.2100/- per sq.mtr., in respect of Plot No. 131, as detailed above.

4. In First Appeal No. 707/2011 (VIDC Vs. Nivrutti Toney and others) decided on 24-11-2022, the rate of open land for the village Nagargaon, has been decided as Rs. 500/- per sq.mtr. and for construction rate has been fixed at Rs. 2300/- per sq.mtr., considering which, the impugned judgment under reference needs no interference. The appeal is dismissed.

JUDGE