

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

FIRST APPEAL NO. 180 OF 2021

Shri Krushna Bhiwaji Natkar,
aged 50 years, Occ. Agriculturist,
R/o Kumbharkinh, Tq. Darwha,
Dist. Yavatmal.

..... **APPELLANT**
(On R.A. Ori.Applicant)

// VERSUS //

1. State of Maharashtra
Through Collector Yavatmal.
2. Special Land Acquisition Officer,
Darwha, Tq. Darwha,
Dist. Yavatmal.
3. The Executive Engineer of
Kumbharkinh Dam Project
Division, Pusad, Tq. Pusad,
Dist. Yavatmal.

..... **RESPONDENTS**
(On R.A.Ori.Non-Applicants)

Shri I. M. Ghongade, Advocate for appellant.
Shri A. M. Kadukar, AGP for respondent Nos.1 and 2.
Shri S. G. Jagtap, Advocate for respondent No.3.

CORAM: M. S. KARNIK, J.
DATED : 26/04/2022.

ORAL JUDGMENT :

1. Heard. **Admit.** Heard finally with the consent of
learned counsel for the parties.

2. The challenge in this appeal is to the Judgment and award dated 04/03/2016 passed by the Reference Court awarding the compensation @ Rs.240/- per square meter for open plot admeasuring 69.36 square meters and Rs.2,000/- per square meter for built up area admeasuring 30.09 square meters. The land was acquired for the purpose of Kumbharkinhhi Dam project. The appellant was the owner of the plot House No.107. The area of plot was 69.36 square meters. There was construction of 30.09 square meters on the said plot. A notification under Section 4 was made on 06/11/1998. The Special Land Acquisition Officer passed the award on 30/12/2000 and granted total compensation of Rs.36,256/-.

3. Learned counsel for the appellant invited my attention to the Judgment and order dated 22/02/2021 passed by this Court in Ganesh Pundlik Deeve Vrs. The Executive Engineer, Kumbharkinhhi Dam Division Pusad, Dist. Yavatmal and others in First Appeal No.364/2016. The contention of the appellant that the issue in this case is covered by the decision rendered in Ganesh Deeve (supra) was verified by the learned counsel appearing for the respondent No.3.

The learned counsel for respondent No.3 fairly submits that the issue involved in this case is covered by the decision rendered in the case of Ganesh Deeve. In this view of the matter, the present appeal deserves to be allowed on the same terms. The rate of structure admeasuring 30.09 square meters is held to be at Rs.3,200/- per square meter.

4. The valuation as per the expert valuer is at page No.12 of the compilation relied upon by the appellant. Accordingly, after depreciation, the amount comes to Rs.86,660/-.

5. The appellant shall be entitled to all the statutory benefits.

6. The respondents to deposit the enhanced compensation within 12 weeks from the date of this order.

7. The appeal stands disposed of.

8. Pending civil applications, if any, are also disposed of accordingly.

JUDGE

Choulwar