

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

FIRST APPEAL NO.774/2017

The Executive Engineer,
Bembla Project Division, Yavatmal.

(Resp. no.3 on RA)
... Appellant.

-Versus-

1. Kisana Maroti Walke,
Aged about 56 years, Occ.Labourer, (Claimant no.1 on RA)
R/o.-Nagargaon, Tq. Babhulgaon, Distt- Yavatmal.
2. The State of Maharashtra,
through Collector, Yavatmal, (Resp.no.1 on RA)
3. The Special Land Acquisition Officer, (Resp.no.2 on RA)
Bembla Project Division No.5, Yavatmal. Respondents.

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

None for the respondent no.1.

Mr. Mayuri Deshmukh, AGP for respondents no.2 and 3.

CORAM : AVINASH G GHAROTE, J.

DATE : 25-11-2022.

ORAL JUDGMENT

. Heard Mr. Kadu, learned Counsel for the appellant, None for the respondent no.1 and Mrs. Mayuri Deshmukh, learned AGP for respondent nos.2 and 3.

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

Plot No.-59	L.A.O.	Reference Court
Village- Nagargaon	21-03-2002	dated 20-05-2014
Tahsil -Babhulgaon Plot Area -93 Sq.Mtr.	Rs.70/-per	Rs.500/- per
Dist- Yavatmal.	sq.mtr.	sq.mtr.
Constructed area-42 Sq.Mtr.	Rs.1028/- per	Rs.1900/-per
	sq.mtr.	sq.mtr.

3. The appeal challenges the judgment of the Reference Court dated 20-05-2014, 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.1900/- per sq.mtr., in respect of Plot No. 59, 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. considering which, the impugned judgment under reference which grants the rate of Rs.500/- per sq.mtr. cannot be faulted with.

5. Insofar as the rate for constructed area is concerned, the construction, it is admittedly in stone and cement foundation having brick walls. The rate of construction for village Nagargaon, has been fixed Rs.2300/-per sq.mtr. in *Nivrutti Toney* (supra), considering which, the rate of Rs. 1900/- per sq.mtr. granted by the learned Reference Court cannot be interfered with, in view of the fact that that there is no cross objection.

6. The judgment of the Reference Court is therefore maintained and the appeal is dismissed.

JUDGE

Deshmukh