

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

FIRST APPEAL NO.508 OF 2015

Vidarbha Irrigation Development Corporation,
Through its Executive Engineer,
Minor Irrigation Works, Wardha.

...APPELLANT

VERSUS

- 1] Shri. Doma s/o Dadaji Timande,
Aged – Major, Occ- Agriculturist,
R/o – Usegaon, Tah. Samudrapur,
District-Wardha
- 2] The State of Maharashtra,
Through Special Land Acquisition Officer,
Nippan Denro Ispat, Wardha.

...RESPONDENTS

Shri N.M. Gaidhane, Advocate for Appellant
Shri A.L. Deshpande, Advocate for Respondent No.1
Shri S.A. Ashirgade, Addl.G.P for Respondent no.2.

**CORAM ; SMT. M.S. JAWALKAR,
DATED : 23.06.2022.**

JUDGMENT

Heard both the parties.

2. Present Appeal is filed by acquiring body against the judgment and award dated 18/02/2012 passed by Joint Civil Judge Senior Division, Wardha in L.A.C No. 68/2005 by which the compensation was enhanced.

3. The Notification under section 4 (1) of the Land Acquisition Act (hereinafter referred to as "Act") was published on 28/05/1998 by which Respondent no.1's open plot and house were declared to be acquired and objections were recorded. Special Land Acquisition Officer, after completing procedure, declared an award on 22/03/2002. Special Land Acquisition Officer assessed value of open plot at rate of Rs.90/- per sq. meter and for constructed area at rate of Rs. 1549.71 per sq. Meter.

4. The claimant/Respondent no. 1 preferred a reference under Section 18 of the Land Acquisition Act, 1894. Learned Joint Civil Judge, Senior Division, Wardha pleased to partly allowed the said reference. The Referral Court enhanced compensation of Rs.8,370/- regarding an open plot at rate Rs. 738/- per sq meter and enhanced Rs.1,40,356/- for constructed area of acquired house at rate of Rs.3,163/- per sq meter.

5. It is contention of the appellant that the amount granted is unreasonable and based on surmises and conjuncture. It is wrongly enhanced the amount relying on the judgment passed in L.A.C No.69/2005. As against this, Learned Counsel for respondent submitted that the First Appeal no. 687/2014 out of L.A.C No.69/2005 is already dismissed by this Court on 12/12/2018.

6. After going through the judgment passed by Referral Court this Court is fully satisfied that learned Referral Court duly considered sale deeds placed on record and evidence led by the party. Learned Court duly taken into account market value of construction at the relevant date. There is nothing unrealistic or unreasonable. In view of the fact that First Appeal No.687/2014 arising out of same award is dismissed and for the reasons stated above and this Court is satisfied that there is no merit in the Appeal and appeal is liable to be dismissed.

Accordingly Appeal is **dismissed**. The respondent is at liberty to withdraw the amount along with accrued interest. No order as to the costs.