

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

FIRST APPEAL NO. 740 OF 2010

Vidarbha Irrigation Development : **APPELLANT**
Corporation, Through its Executive
Engineer, Bembla Project Division, Taq. &
Dist. Yavatmal

VERSUS

- 1 Smt. Pramila w/o Pandurangji Jadhao :
Aged 47 years, Occ. Cultivator,
R/o Dehni, Taq : Babhulgaon, Distt.
Yavatmal

RESPONDENTS

- 2 The State of Maharashtra,
Through the Collector, Yavatmal
- 3 The Special Land Acquisition Officer,
Bembla Project, Yavatmal,
Tq. & Dist. Yavatmal

Mr. A.B. Patil, Advocate for appellant
Ms. Sejal Lakhani, Advocate for Respondent No.1
Mr. M.A. Kadu, A.G.P for Respondent Nos.2 and 3

CORAM : AVINASH G. GHAROTE, J.

DATE : 21st NOVEMBER 2022

ORAL JUDGMENT

Heard Mr. Patil, learned counsel for the appellant, Ms.
Lakhani, learned counsel for the respondent No.1 and Mr. M.A. Kadu,
learned Assistant Government Pleader for respondent Nos. 2 and 3.

2. The learned Special Land Acquisition Officer, has granted a compensation @Rs.500/- per sq.mtr. for open land admeasuring 240 sq.mtr. and @1627/- per sq.mtr. for the construction admeasuring 123.46 sq.mtr.

3. In reference under Section 18 of the Land Acquisition Act, 1894, the Reference Court has maintained the rate of compensation for the open plot, but, has enhanced the compensation for the constructed area from Rs.1627/- per sq.mtr. to Rs.2700/- per sq.mtr.

4. The property in question is situated at village Dehani Tah. Babulgaon, District Yavatmal, in respect of which in **this Court in First Appeal No.762/2017 (The Executive Engineer, Bembla Project Division Vs. Tulshiram Kahru Meshram and others)** decided on **17/10/2019**, has granted a rate of Rs.2600/- per sq.mtr. for the constructed area which has not been challenged by the present appellant, who was also the appellant therein, considering which I do not find any reason, to vary or modify the impugned Award under reference insofar as it enhances compensation for constructed area from Rs.1627/- per sq.mtr. to Rs.2700/- per sq.mtr., as it is material to note that in Reference No.469 of 2006 (Janrao Parshuram Raut Vs. State), which is also for the village Dehani, compensation for

constructed area has been granted 3874/- per sq.mtr. No reason has been brought to my notice, from interfering in this enhancement, considering which I do not see any reason to interfere in the impugned Award under Reference. The appeal is therefore, dismissed. No costs.

JUDGE

MP Deshpande