

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

FIRST APPEAL NO.837/2010

Vidarbha Irrigation Development Corporation
through its Executive Engineer,
Bembla Project Division,
Tq. & Dist. Yavatmal.

... Appellant.

-Versus-

On RA

Ramrao s/o Ajabrao Korde,
(Dead through L.Rs.)

1. Smt. Prabhatai wd/o Ramrao Korde,
Aged about 65 years, Occ.-household,
2. Gajanan s/o Ramrao Korde,
Aged about 38 years, Occ- Cultivator,

Both R/o. Barad, Tah. Babhulgaon, Distt. Yavatmal.

3. Sau. Ashabai w/o Ashokrao Ganjre,
Aged about 55 years, Occ.-Household,
R/o. Bhamb (Raja), Tah. and Distt. Yavatmal.
4. Sau. Latabai Rameshrao Helonde,
Aged about 45 years, Occ.-household,
R/o. Sukhli (Kate), Tah. Babhulgaon, Distt- Yavatmal.
5. Sau. Mangala Rameshchandra Kadu,
Aged about 41 years, Occ.-Household,
R/o.-Morshi, Tah. Morshi, Distt. Amravati.
6. The State of Maharashtra,
through the Collector, Yavatmal,

7. The Special Land Acquisition Officer,
Bembla Project, Yavatmal. Respondents.

Mr. A.B. Patil, Advocate for appellant.
Mr. S.V. Ingole, Advocate for respondent nos.1 to 5/cross-objectors.
Mr. M.A. Kadu, AGP for respondents no.6 and 7.

CORAM : AVINASH G GHAROTE, J.
DATE : 23-11-2022.

ORAL JUDGMENT

. Heard Mr. Patil, learned Counsel for the appellant,
Mr. Ingole, learned Counsel for respondent nos. 1 to 5/cross
objectors and Mr. Kadu, learned AGP for respondent nos. 6 and 7.

2. The factual matrix in the present Appeal is as under -

Plot No.-51	L.A.O.	Reference Court
Village- Bharad		dated 15-10-2009
Tahsil -Babhulgaon	Plot Area -394.40	Rs.70/-
Dist- Yavatmal.	Sq. Mtr.	P/Mtr
	Constructed area-143.60 Sq.Mtr.	Rs.2155/- P/ Mtr
		Rs.424/- P/Mtr.
		Rs.2900/- P/Mtr.

3. The appeal challenges the judgment of the Reference Court dated 15-10-2009, whereby the learned Reference Court has enhanced the compensation for the open plot to Rs. 424/-per sq.mtr from Rs.70 per sq.mtr and has granted compensation for the constructed area at the rate of Rs.2900/- per sq.mtr, in place of Rs. 2155/- per sq.mtr in respect of plot no. 51, as detailed above.

4. The Village Pahur, is adjacent to the village Barad, and is to the South side of village Barad having a long common boundary. In First Appeal No.495/2015 (Executive Engineer, Bembla Project Division, Yavatmal Vs Dinesh Sureschandra Jaiswal and others) decided on 21-12-2018, this Court has granted rate of Rs. 750/- per sq.mtr for village Pahur, considering which, since there is no cross objection, I am not inclined to interfere in the rate of open plot as awarded by the learned Reference Court.

5. The learned Reference Court has also enhanced the rate for the constructed area from Rs.2155/- per sq.mtr as granted by the Land Acquisition Officer to Rs. 2900/- per sq.mtr. Insofar as the construction for village Pahur is concerned, the rate of more than Rs. 3000/- per sq.mtr has been granted. Since the village Barad is immediately adjacent to village Pahur, the rate of Rs. 2900/- per sq.mtr as granted by the learned Reference Court does not appear to be unreasonable apart from which, it is only 5% more than the accepted policy of the appellant of accepting enhancement upto 30% by the Reference Court in respect of the rate granted by the Land Acquisition Officer. I, therefore, see no reason to interfere in the judgment of the Reference Court. The Appeal is dismissed. No costs.

JUDGE