

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

FIRST APPEAL NO.525/2016

The Executive Engineer, Bembla Project Division,
Vidarbha Irrigation Development Corporation, (Resp.no.4 on RA)
Yavatmal. ... Appellant.

-Versus-

1. Bhujangrao Daulatrao Dhopte, ... (Appellant-1/on RA)
Aged about 62 years,
R/o. Thalegaon, Tq. Babhulgaon, Dist- Yavatmal.
2. The State of Maharashtra, ... (Resp.-1/ on R.A.)
through Collector, Yavatmal.
3. Special Land Acquisition Officer, ... (Resp-2/on R.A.)
Bembla Project Division, Yavatmal. ... Respondents.

Mr. M.A. Kadu, Advocate for appellant.
Mr. A.B. Nakshane, Advocate for respondent no.1.
Mrs. Mayuri Deshmukh, AGP for respondents nos. 2 and 3.

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

ORAL JUDGMENT

. Heard Mr. Kadu, learned Counsel for the appellant,
Mr. Nakshane, learned Counsel for respondent no.1 and
Mrs. Mayuri Deshmukh, learned AGP for respondent nos.2 and 3.

2. The appeal challenges the judgment in reference dated 03-04-2013 which is in respect of House No.73, admeasuring 238.90 sq.mtrs. out of which the open area is 183.03 sq.mtrs. and constructed area is 55.60 sq.mtrs., situated at village Thalegaon, Taluka Babhulgaon, Dist. Yavatmal. The learned Reference Court, by the impugned judgment has granted a rate of Rs.650/- per sq.mtr. for the open land and the rate of Rs.2379/- per sq.mtr. for the constructed area.

3. In so far as the rate of the compensation for the open land is concerned, in First Appeal No. 580/2010 (VIDC Vs Waman Mahajan and others) decided on 21-11-2022, the rate of open land for the village Thalegaon, has been decided as Rs. 500/- per sq.mtr., considering which the impugned judgment under reference, which grants the rate of Rs.650/- per sq.mtr., needs to be modified.

4. Insofar as the grant of compensation by the learned Reference Court at the rate of Rs.2379/- per sq.mtr. for the constructed area is concerned, it is material to note that the Land Acquisition Officer has granted a rate of Rs.1830/- per sq.mtr. for the constructed area. Mr. Nakshane, learned Counsel for respondent no.1 submits that there is a policy by the appellant, to increase the rate by 30% for the constructed area which position is not disputed by Mr. Kadu, learned Counsel for the appellant, considering which, as the rate which has been granted by the learned Reference Court is within that 30% increase as per the

policy, I do not see any reason to interfere in the judgment of the learned Reference Court insofar as it enhances the rate for the constructed area to Rs.2379/- per sq.mtr.

5. Retultantly, the appeal is partly allowed by modifying the judgment of the Reference Court insofar as the rate of Rs.650/- per sq.mtr. for the open plot by reducing the rate for open plot to Rs. 500/- per sq. mtr. Rest of the judgment is maintained.

JUDGE