

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
FIRST APPEAL NO.362 OF 2019

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| 1. Executive Engineer, (V.I.D.C.),
Bembla Project Division, Yavatmal,
Tal. & Dist. Yavatmal. | |
| 2. Vidarbha Irrigation Development
Corporation, through Executive Engineer,
Bembla Project Division, Yavatmal. | Appellants
On R.A. |

// **VERSUS** //

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| 1. Mishrilal S/o Maniram Rathod,
Aged about Major, Occ. Agriculturist,
R/o Nagri, Tq. Babhulgaon, Dist. Yavatmal. | |
| 2. The Special Land Acquisition Officer,
Bembla Project, Yavatmal.
Tq. & Dist. Yavatmal. | |
| 3. State of Maharashtra,
through District Collector, Yavatmal,
Tq. & Dist. Yavatmal. | Respondents
On R.A. |

Shri M.A. Kadu, Advocate for Appellants.
Shri M.V. Bute, Advocate for respondent No.1
Shri N.R. Patil, AGP for the respondent Nos.2 and 3/State

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 10th FEBRUARY, 2022.

ORAL JUDGMENT

The appellants/Acquiring Body has challenged the impugned judgment dated 14.11.2014 in Land Acquisition Case No.294/2005 passed by the Civil Judge Senior Division, Yavatmal

2. The brief facts necessary to decide the appeal are as under:

The respondent No.1 was the owner of the land admeasuring 112.50 sq. meters with structure admesuring 71.50 sq. meters in plot No.7 of village Nagri, Tq. Babhulgaon, District Yavatmal. The said land with structure was acquired for the submergence of Bembla Project. Notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") was published on 16.07.1998 and Award was declared on 05.12.2000. The Land Acquisition Officer awarded compensation of Rs.60/- per sq. meters in respect of the acquired land and Rs.1410/- per sq. meters in respect of the structure existing therein. Being dissatisfied with the quantum of compensation, the respondent No.1 filed a Reference under Section 18 of the Act.

3. The Reference Court, upon considering the evidence adduced by the respective parties, enhanced the compensation in respect of the open land at Rs.500/- per sq. meter and in respect of the structure at Rs.1800/- per sq. meter. Being aggrieved by the said judgment, the Acquiring Body has preferred this Appeal under Section 54 of the Act.

4. Heard Shri Kadu, learned counsel for the appellants. I have perused and considered the submission.

5. The record indicates that the owner of plot No.20 of the same village, whose land was also acquired by the same notification, had challenged the Order of the Reference Court in the First Appeal No.594 of 2021. The said appeal has been disposed of by this Court (Coram : V. M.

Deshpande, J.) by judgment dated 23.11.2021. This Court, after considering the previous judgment passed by this Court (Coram : M.G. Giratkar, J.) in First Appeal No.1224 of 2018 dismissed the appeal filed by the State.

6. In view of the reasons stated in the judgment dated 23.11.2021, in First Appeal No.594 of 2021 this appeal has no merit. Hence, the appeal is **dismissed**.

7. Pending Applications, if any, stand disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]