

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

FIRST APPEAL NO.655/2018

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

(On RA Ori NA No.3)
... Appellants.

-Versus-

1. Pushpatai Pundlik Toney,
Aged about 60 years, (On RA Ori. applicant)
R/o.-Nagargaon, Tq. Babhulgaon, Distt- Yavatmal.
2. The State of Maharashtra,
represented by the Collector, Yavatmal,
Tq. & Dist. Yavatmal.
3. The Special Land Acquisition Officer,
Bembla Project, Yavatmal.
Tq. & Dist. Yavatmal. Respondents.

Mr. M.A. Kadu, Advocate for appellant.
Mr. S.V. Ingole, Advocate for respondent no.1.
Mr. Mayuri Deshmukh, AGP for respondents no.2 and 3.

CORAM : AVINASH G GHAROTE, J.
DATE : 25-11-2022.

ORAL JUDGMENT

. Heard Mr. Kadu, learned Counsel for the appellant,
Mr. S.V. Ingole, learned Counsel for respondent no.1 and Mrs.

Mayuri Deshmukh, learned AGP for respondent nos.2 and 3.

2. The factual position in the present appeal is as under -

Date of Notification under Section 4 of the Land Acquisition Act			13/08/1998
Property details	Area of property	LAO Award dated 21/03/2002	Ref. Court Award Dated 04-09-2015
Plot No.-3 Village- Nagargaon Tahsil -Babhulgaon Dist- Yavatmal.	Plot Area -47 Sq.Mtr.	Rs.70/-per sq.mtr.	Rs.650/- per sq.mtr.
	Constructed area- Nil.		

3. The appeal challenges the judgment of the Reference Court dated 04-09-2015, whereby the learned Reference Court has enhanced the compensation for the open plot to Rs. 650/-per sq.mtr. in respect of Plot No. 3, as detailed above.

4. Evidence of Chandrashekhar Wankhede on whose report reliance is placed by the claimant, does not inspire confidence as he does not appear to have taken any effort to find out sale instances of the same or nearby villages in support of the rate quoted in his report. The village of Nagargaon is admittedly interior than village Dighi which is larger, with better facilities and connectivity for which the rate of Rs. 500/- per. sq.mtr. has been fixed for plot. No material has been placed on record to enable me to take a view that the rate of village Nagargaon ought to be more than that of village Dighi.

5. In First Appeal No. 707/2011 (VIDC Vs. Nivrutti

Toney and others) decided on 24-11-2022, the rate of open land for the village Nagargaon, 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.

6. The judgment of the Reference Court is therefore modified by reducing the rate for open plot from Rs. 650/- per sq.mtr. to Rs. 500/- per sq.mtr. Rest of the judgment is maintained.

JUDGE

Deshmukh