

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

CIVIL APPLICATION (CAF) NO. 2665/2021

IN

FIRST APPEAL (FA) NO. 427/2021

VIDARBHA IRRIGATION DEVELOPMENT CORP

..VS..

MAROTI NAMDEO DHORE AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M. Kukday, Advocate for appellant

Mrs. Najbile h/f. Shri A.B. Nakshane, Advocate for applicant/respondent no. 1

Ms. T.H. Khan, AGP for respondent nos. 2 and 3

CORAM : NITIN W. SAMBRE, J.

DATED : 29/08/2022

Heard learned Counsel Mrs. Najbile holding for Shri A.B. Nakshane, learned Counsel for the respondent no. 1/applicant.

This is an application for permission to withdraw the amount of compensation.

The appeal filed by the acquiring body against the order of the Reference Court enhancing compensation is already admitted.

Shri A.M. Kukday, learned Counsel would urged that the enhancement ought to have been at the most at the rate of Rs.85,000/- per hectare as against the award of Rs.2,75,000/- per hectare. He would further urged that it is necessary to find out whether an appeal is preferred by the acquiring body against the award delivered in Land Acquisition Case No. 417/2013 (Exh. 21).

Having appreciated the said submission, what can be noticed is Section 4 Notification in the matter was issued on 09.08.2007. The acquiring body has made a claim that at the most enhancement can be at the rate of Rs.85,000/- per hectare.

Since, the enhancement is based on compensation awarded for the similarly placed land as reflected in Exh. 21 i.e. judgment delivered in Land Acquisition Case No. 417/2013, in my opinion, the application needs to be partly allowed.

Claimant is permitted to withdraw 75% of the amount of compensation of the land upon furnishing an usual undertaking that in case, the Appeal is allowed, the amount shall be redeposited as shall be directed.

The civil application is disposed of.

(NITIN W. SAMBRE, J.)

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