

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

FIRST APPEAL NO. 615 OF 2010

Vidarbha Irrigation Development : **APPELLANT**
Corporation, Through its Executive
Engineer, Bembla Project Division, Taq. &
Dist. Yavatmal

VERSUS

1 Janrao Parashramji Raut :
Aged 49 years, Occ. Agriculturist,
R/o Dehani, Taq : Babhulgaon, Distt.
Yavatmal

RESPONDENTS

2 The State of Maharashtra,
Through the Collector, Yavatmal

3 The Special Land Acquisition Officer,
Bembla Project, Yavatmal

Mr. A.B. Patil, Advocate for appellant

Ms. Sejal Lakhani, Advocate for Respondent No.1

Mr. M.A. Kadu, A.G.P. for Respondent Nos.2 and 3

CORAM : AVINASH G. GHAROTE, J.

DATE : 21st NOVEMBER 2022

ORAL JUDGMENT

Heard Mr. Patil, learned counsel for the appellant, Ms. Lakhani, learned counsel for the respondent No.1 and Mr. M.A. Kadu, learned Assistant Government Pleader for respondent Nos. 2 and 3.

2. The learned Special Land Acquisition Officer, has granted a compensation @Rs.75/- per sq.mtr. for the plot admeasuring 136 sq.mtrs. and @Rs.3874/- per sq.mtr. for the construction admeasuring 65.59 sq.mtr. Insofar as the well is concerned, the Land Acquisition Officer has granted lumpsum compensation Rs.15,324/- in the Award passed by him.

3. In reference under Section 18 of the Land Acquisition Act, 1894, the Reference Court has maintained the rate of compensation, for the constructed area, but, has enhanced the compensation for the plot from Rs.75/- to Rs.550/- per sq.mtr. and the compensation for the well has been enhanced to Rs.20,000/- in lumpsum.

4. The property in question is situated at village Dehani Tah. Bhabulgaon, District Yavatmal, in respect of which, **this Court in First Appeal No.762/2017 (The Executive Engineer, Bembla Project Division Vs. Tulshiram Kahru Meshram and others) decided on 17/10/2019**, has fixed the rate of compensation for open plot at Rs.550/- per sq.mtr., which has not been challenged by the present appellant, who was also the appellant therein, considering which I do not find any reason, to vary or modify the impugned Award under reference insofar as it enhances the rate of compensation for open

plot from Rs.75/- per sq.mtr. to Rs.550/- per sq.mtr. Insofar as the well is concerned, the lumpsum enhancement, is only from Rs.15,324/- to Rs.20,000/- in lumpsum. No reason has been brought to my notice, from interfering in this enhancement, considering which I do not see any reason to interfere in the impugned Award under Reference. The appeal is therefore, dismissed. No costs.

JUDGE

MP Deshpande