

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

FIRST APPEAL NO. 1338/2017

Vidarbha Irrigation Development Corporation through Executive Engineer, Yavatmal
 Vs.
 Ganesh Dyaneshwar Kawalkar and others

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

Court's or Judge's orders

Shri J.B. Kasat, Advocate for appellant
 Shri A.B. Nakshane, Advocate for respondent No.1
 Shri M.A. Kadu, A.G.P for respondent Nos. 2 & 3

CORAM : SMT. M.S. JAWALKAR, J.
DATE : 08/09/2022

The present appeal is filed by the Acquiring Body - V.I.D.C., challenging the order dated 24/07/2012 passed by the Civil Judge, Senior Division, Yavatmal in L.A.C. No. 253/2005. The compensation awarded by the Land Acquisition Officer is Rs.59,802/- per hectare, whereas Civil Judge, Senior Division enhanced it to Rs.1,65,000/- per hectare.

2. In view of Government Resolution No. संकीर्ण-२०१४/प्र.क्र.भाग-१/अ-४, dated 03/11/2016, if the amount is enhanced within four times of amount granted by the Land Acquisition Officer, the Authorities were directed not to prefer any appeal in such matters.

3. The learned Counsel appearing for the respondent No.1 fairly submits that the respondent No.1 has agreed to set aside the Clause – 3 of operative order of Reference Court and he will not claim any compensation, other than granted by L.A.O in respect of mango trees. As such, the matter can be disposed of as the amount enhanced is within the four times of amount granted by L.A.O. Thus, in view of rate of the land which is fixed as 1,65,000/- per hectare, the order passed by Civil Judge, Senior Division, Yavatmal except Clause – 3 is hereby confirmed.

4. The appeal stands disposed of.

5. The appellant to furnish calculations within four weeks.

6. The respondent No.1 is permitted to withdraw the amount deposited by the appellant after calculations are furnished to respondent No.1.

(SMT. M.S. JAWALKAR, J.)

Jayashree..