

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

FIRST APPEAL NO.1259/2017

Vidarbha Irrigation Development Corporation, ... (Ori. Def. No.4)
through its Executive Engineer,
Bembla Project Division, District Yavatmal. ... Appellant.

-Versus-

1. Vasanta Natthuji Gaikwad,
Aged about 54 years, Occ.- Agriculturist,
2. Eknath Nathuji Gaikwad,
Aged about 59 years, Occ.- Agriculturist, ... (Ori. Claimant)
Both r/o. Thalegaon, Tq. Babhulgaon,
District Yavatmal.
3. The State of Maharashtra, ... (Ori. Def. No.1.)
through Collector, Yavatmal,
Tq. and District Yavatmal.
4. Special Land Acquisition Officer, ... (Ori. Def. No.2.)
Bembla Project, Yavatmal,
Tq. and District Yavatmal. ... Respondents.

Mr. Vinay Dahat, Advocate for appellant.
Mr. K.S. Narwade, Advocate for respondent nos.1 and 2.
Mr. M.A. Kadu, AGP for respondents nos. 3 and 4.

CORAM : AVINASH G GHAROTE, J.
DATE : 23-11-2022

ORAL JUDGMENT

. Heard Mr. Dahat, learned Counsel for the appellant, Mr. Narwade, learned Counsel for respondent nos.1 and 2 and Mr. Kadu, learned AGP for respondent nos.3 and 4.

2. The appeals challenges the judgment of the Reference Court dated 13-01-2015, whereby the learned Reference Court has enhanced the compensation for the open plot to Rs. 650/-per sq.mtr and has granted compensation for the constructed area at the rate of Rs.1200/- per sq.mtr. In First Appeal No. 580/2010 (VIDC Vs Waman Mahajan and others) decided on 21-11-2022, the rate of open land for the village Thalegaon, 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.

3. Since, there is no cross objection and there is no challenge in the present appeal as to the rate of compensation in respect of the constructed land, there is no necessity to go into that aspect.

4. Resultantly, the appeal is partly allowed. The judgment dated 13-01-2015, passed by the Reference Court is hereby modified by reducing the rate of open land from Rs. 650/- per sq.mtr. to Rs. 500/- per sq.mtr. Rest of the judgment is maintained.

JUDGE