

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

CIVIL APPLICATION (CAF) NO. 940 OF 2022
IN
FIRST APPEAL NO. 1070 OF 2015

VIDC thr. its Executive Engineer, Upper Wardha Canal Division No. 3, Dhamangaon

...VERSUS...

Mukundrao Narayan Mahalle and others.

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

Court's or Judge's order

Shri Vinay V. Dahat, Advocate for appellant.
Shri Ashish B. Nakshane, Advocate for respondent no. 1.
Ms. T.H.Udeshi, Asst. G.P. for respondent nos. 2 and 3.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 19th August, 2022.

The present application is filed for grant of permission to correct the name of respondent no. 1.

2. In similar matter of brother of respondent no. 1 i.e. in First Appeal No. 809/2015, corrections in the name of brother of respondent no. 1 was allowed.

3. The learned counsel appearing for respondent no. 1 placed on record the copy of Aadhar Card, extract of bank passbook and bank details.

4. In view thereof, permission is granted to correct the name of respondent no. 1.

5. Necessary amendment be carried out by the appellant within one week.

6. Accordingly, the application is disposed of.

FIRST APPEAL NO. 1070 OF 2015

1. The present appeal is filed by the Acquiring Body – Vidarbha Irrigation Development Corporation (VIDC) challenging the order passed by 3rd Joint Civil Judge, Senior Division, Amravati in LAC No. 168/2003 decided on 11/02/2014, thereby partly allowed the reference of respondent no. 1 and enhanced the compensation.
2. The Land Acquisition Officer had fixed the value of land as Rs. 35,500/- per hector. The said amount was enhanced by learned 3rd Joint Civil Judge, Senior Division, Amravati in LAC No. 168/2003 as Rs. 1,50,000/- per hector and also awarded Rs. 25,000/- towards damages.
3. In view of Government Resolution No.: संकीर्ण-२०१४/प्र.क. ४१/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 an appeal in this matter.
4. The learned counsel appearing for the respondent no. 1 fairly submits that respondent no. 1 is ready to waive an amount of Rs. 8,000/- per hector as well as an amount towards damages so that the matter can be disposed of, as it will come within four times limit as mentioned in the Government Notification. This submission is accepted.
5. The value of land is now fixed as Rs. 1,42,000/- per hector and no damages will be awarded to respondent no. 1.
6. Accordingly, the appeal is disposed of in above terms.
7. No order as to costs.

CIVIL APPLICATION (CAF) NO. 938 OF 2022

The appellant to file fresh calculations within four weeks and after submitting the calculations, the present application can be considered.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar