

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

First Appeal No.646 of 2012

Vidarbha Irrigation Development Corporation

vs.

Ramdas Bapurao Yasansure & others

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

Court's or Judge's Orders

Mr. A.B. Patil, Advocate for the Appellant.

Mr. A.B. Nakshane, Advocate for Respondent No.1.

Mr. M.A. Kadu, A.G.P. for Respondent Nos.3 & 4.

CORAM : M.S. KARNIK, J.

DATE : 13th APRIL, 2022.

Heard.

02] My attention is invited to the order dated 26/02/2019 passed by this Court in First Appeal No.380/2016. It is submitted by the learned Counsel for the parties that in view of adjudication in First Appeal No.380/2016, which followed the decision in First Appeal Stamp No.189/2018 (VIDC & Another vs. Vasant Nanaji Patre & Others), dated 19/12/2018 arising from village Pahur, Taluka Babhulgaon, District Yavatmal, the present appeal can be disposed of.

03] In First Appeal Stamp No.189/2018, this Court held that an amount of Rs.750/- per square meter for an open plot of land acquired from village Pahur, Taluka Babhulgaon, District Yavatmal would be fair compensation. The notification under Section 4 of the Land Acquisition Act, 1894 in this appeal is dated 11/05/2000, which was the same notification in the appeal mentioned above.

04] Hence, for the reasons assigned in First Appeal Stamp No.189/2018 and First Appeal No.380/2016, this appeal is partly allowed as under:

- i. The judgment of the Reference Court in L.A.C. No.474/2006, dated 30/08/2010 is partly modified.
- ii. The claimant is held entitled to receive an amount of Rs.750/- per square meter for Plot No.615, admeasuring 64.50 square meters. He is entitled to receive an amount of Rs.1,800/- per square meter for the constructed portion admeasuring 43.44 square meters.
- iii. Other directions in the award are confirmed.
- iv. The appellant is directed to deposit the amount of compensation, if not already deposited, in terms of the judgment within a period of three months from today in this Court.
- v. The claimant is at liberty to withdraw the amount of compensation on such deposit so made.
- vi. The first appeal is disposed of in the aforesaid terms with no order as to costs.

JUDGE

**sandesh*