

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

FIRST APPEAL NO. 1080 OF 2017

Executive Engineer, Minor Irrigation Division__ Vs. __Krushnakant Kamalkant Pande
and two ors

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

Court's or Judge's orders

Mr. S.K.Bhoyar, Advocate for appellant
Mr. H.A.Deshpande, Advocate for Respondent No.1
Mr. M.A.Kadu, AGP for Respondent Nos. 2 & 3
Mr. Nikhil Gaikwad, Advocate for Cross-Objector

CORAM : AVINASH G. GHAROTE, J.
DATE : 30/11/2022

1] The present appeal questions the judgment dated 15.04.2015 by the learned Reference Court whereby compensation for agriculture land has been enhanced to ₹. 2,00,000/ per Hectare for Survey No. 332, admeasuring 2.84 HR situated at Mouza Anjangaon Tah. Arvi Dist. Wardha, acquired for Minor Irrigation Project Sukali lake.

2] Mr. Bhoyar, learned counsel for the appellant fairly admits that the rate of ₹.2,00,000/- has been granted for Survey No.8, Mouza Anajangaon, out of which 0.60 HR land was acquired by the judgment of the Reference Court in LAC No. 497/2007 [Pramod Gajanan Sangane vrs. State and others] in respect of which there is no challenge.

3] The findings rendered in LAC No. 497/2007 indicates that the land of Survey No. 8 is situated on the bank of the river and was therefore having a perennial supply of water. The situation of Survey No. 332 in the present matter is also same as is reflected from paras 14 of the impugned award, considering which since both the lands are similarly situated, the rate of ₹. 2,00,000 granted by the learned Reference Court clearly appears to be justified. The First Appeal No. 1080/2017 therefore does not call for any interference and is accordingly dismissed.

Cross Objection No.39/2022 in FA No. 1080/2017

4] This Cross Objection merely seeks interest on solatium.

5] In view of what has been held in **Sunder vrs Union of India, (2001) 7 SCC 211** (paras 23 & 24), the claimant would be entitled to solatium, considering which the judgment of the Reference Court is modified and it is directed that the claimant is entitled for interest on solatium from the date of possession i.e. 18.1.2001. The amount be appropriately calculated by the authority and be disbursed to the claimant within a period six weeks from today. In case any court fee is liable to be paid on the enhancement, the same shall be paid by the claimant.

(3)

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6] Resultantly, the appeal is dismissed and the cross objection is partly allowed, as indicated above.

JUDGE

Rvjalit

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