

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

FIRST APPEAL NO.786/2018

1. Vidarbha Irrigation Development Corporation
through the Executive Engineer,
Bembla Project, Yavatmal &
Tq. Dist. Yavatmal.
2. The Executive Engineer, Bembla Project,
Vidarbha Irrigation Development Corporation,
Yavatmal & Tq. Dist. Yavatmal. ... Appellants.

-Versus-

1. Dattu s/o Pandurang Dhage,
Aged about 45 years, Occ.-Labour,
2. Purushottam s/o Pandurang Dhage,
Aged about 35 years, Occ.-Labour,
Respondent nos. 1 and 2 both R/o.-Thalegaon,
Tq. Babhulgaon, Distt. Yavatmal.
3. The State of Maharashtra, ... (Ori. NA 1 & 2)
through the Collector, Yavatmal,
Tq. and Dist. Yavatmal.
4. The Special Land Acquisition Officer,
Bembla Project, Yavatmal.
Tq. Dist. Yavatmal. ... Respondents.

Mr. M.A. Kadu, Advocate for appellants.
 Mr. A.B. Nakshane, Advocate for respondent nos.1 and 2.
 Mrs. Mayuri Deshmukh, AGP for respondents nos. 3 and 4.

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

ORAL JUDGMENT

. Heard Mr. Kadu, learned Counsel for the appellants, Mr. Nakshane, learned Counsel for respondent nos.1 and 2 and Mrs. Mayuri Deshmukh, learned AGP for respondent nos.3 and 4.

2. The appeal challenges the judgment of the Reference Court dated 08-11-2016, whereby the learned Reference Court has enhanced the compensation for the open plot to Rs.550/-per sq.mtr. and has granted compensation for the constructed area at the rate of Rs.1900/- per sq.mtr., in respect of Plot No. 105, admeasuring 72.50 sq.mtrs. with a constructed area of 45.60 sq.mtrs at village Thalegaon, Tq. Babhulgaon, Dist. Yavatmal. 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. Similarly, in First Appeal No.525/2016 (VIDC thr. Executive Engineer Vs Bhujangrao Dhopate and others) decided on 23-11-2022, I have upheld the grant of compensation for the constructed area at the rate of Rs. 2379/- per sq.mtr., considering which the judgment of Reference Court, which grants compensation at the rate of Rs.1900/- per sq.mtr. for the constructed area is more than reasonable and does not need any interference.

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

5. Resultantly, the appeal is partly allowed. The judgment dated 08-11-2016, passed by the Reference Court is hereby modified by reducing the rate of open land from Rs. 550/- per sq.mtr. to Rs. 500/- per sq.mtr. Rest of the judgment is maintained.

JUDGE