



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

FIRST APPEAL NO. 658 OF 2018

APPELLANT : The Executive Engineer, Bembla
Project, Yavatmal, Tq. & Dist.
Yavatmal.

//VERSUS//

RESPONDENTS : 1. Vinayak Ramchandra Ramteke, Aged
about 45 years, Occu. Labour Work,
R/o. Dehani, Tq. Babhulgaon, Dist.
Yavatmal.
2. State of Maharashtra represented by
Collector, Yavatmal.
3. Special Land Acquisition Officer,
Yavatmal, Tq. & Dist. Yavatmal.

Mr. V.B. Rath, Advocate h/f. Mr. P.B. Patil, Advocate for the
Appellant.

Ms. T.H. Udeshi, AGP for Respondent Nos.2 & 3.

CORAM : G. A. SANAP, J.

DATED : 9th OCTOBER, 2023.

ORAL JUDGMENT

Heard Mr. V.B. Rath, learned advocate holding for Mr.
P.B. Patil, learned advocate for the appellant and Ms. T.H. Udeshi,
learned AGP for respondent Nos.2 and 3. Perused the record and
proceedings.

02] Learned advocate for the appellant has filed Civil Application (CAF) No.2724/2023 for disposal of the appeal being covered by various judgments of this Court i.e. *First Appeal No.1667/2019, decided on 01.10.2019 [Executive Engineer, Bembla Project, Yavatmal Vs. Sukhdeo Kisan Chandankhede & Ors.]*, *First Appeal No.740/2010, decided on 21.11.2022 [V.I.D.C., Yavatmal Vs. Smt. Pramila Pandurangji Jadhao & Ors.]*, *First Appeal No.615/2010, decided on 21.11.2022 [V.I.D.C., Yavatmal Vs. Janrao Parashramji Raut & Ors.]* and *First Appeal No.762/2017, decided on 17.10.2019 [The Executive Engineer, Bembla Project Division, Yavatmal Vs. Tulshiram Kachru Meshram & Ors.]*. Learned advocate submits that in all these appeals, the compensation in respect of the open plot has been increased to Rs.550/- per sq. mtr. It is submitted that the amount of compensation granted by the Reference Court was maintained in all the above appeals. Learned advocate submits that in view of the decisions in the above appeals, copies of which have been placed on record, this appeal be disposed of.

03] Respondent No.1 though served has failed to appear before this Court.

04] Learned AGP submits that the compensation in respect of the open plot of land may be increased from Rs.500/- per sq. mtr. to Rs.550/- per sq. mtr.

05] I have perused the judgments in the above appeals filed with pursis. It is seen that in similarly situated matters, the compensation in respect of the open plot of land was increased from Rs.500/- per sq. mtr. to Rs.550/- per sq. mtr. As far as the structure is concerned, the compensation awarded by the Reference Court was maintained. In my view, therefore, this appeal is covered by the decisions in the above appeals.

06] Accordingly, the appeal is **dismissed**. The appellant/Acquiring Body is directed to pay the compensation at the rate of Rs.550/- (Rs. Five Hundred Fifty Only) per sq. mtr. in respect of the open plot of land to the respondent No.1. The compensation awarded in respect of the structure by the Reference Court is maintained. The entitlement to get the compensation in respect of the open plot of land is with consequential benefits.

07] The balance amount in terms of this order be deposited within six weeks from today. On deposit of the balance amount,

the entire deposited amount in this appeal be transferred to the Reference Court for being paid to the respondent No.1.

08] The appeal and Civil Application (CAF) No.2724/2023 stand disposed of, accordingly. No costs.

(G. A. SANAP, J.)

Vijay