



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

CIVIL APPLICATION NO. 527 OF 2024
IN CROSS OBJECTION ST. NO. 21986 OF 2023 IN
FIRST APPEAL NO. 328 OF 2022

Deputy Chief Engineer (Construction) Nagpur

..vs..

Mallikarjun Sansthan, Digras, thr. Its President and ors.

AND

CIVIL APPLICATION NO. 528 OF 2024
IN CROSS OBJECTION ST. NO. 21990 OF 2023 IN
FIRST APPEAL NO. 331 OF 2022

Deputy Chief Engineer (Construction) Nagpur

..vs..

Nathmal s/o Ramjivan Bhattad and ors.

AND

CIVIL APPLICATION NO. 530 OF 2024
IN CROSS OBJECTION ST. NO. 22885 OF 2023 IN
FIRST APPEAL NO. 325 OF 2022

Deputy Chief Engineer (Construction) Nagpur

..vs..

Smt. Surekha Prabhakar Nalamwar (Dead) thr. LR's

AND

CIVIL APPLICATION NO. 526 OF 2024
IN CROSS OBJECTION ST. NO. 21977 OF 2023 IN
FIRST APPEAL NO. 327 OF 2022

Deputy Chief Engineer (Construction) Nagpur

..vs..

Satish s/o Rikhabchand Mehta and ors.

AND.

CIVIL APPLICATION NO. 529 OF 2024
IN CROSS OBJECTION ST. NO. 21969 OF 2023 IN
FIRST APPEAL NO. 326 OF 2022

Deputy Chief Engineer (Construction) Nagpur

..vs..

Sanjay s/o Prabhakar Nalamwar and ors.

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

Court's or Judge's orders

Shri M.M. Agnihotri Advocate a/w Gunjan Kothari, Advocate for
the claimants.

Shri S.A. Chaudhari, Advocate for the cross-objectors.

Shri Narale, Addl.P.P. for the State.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 30/04/2024.

Heard.

2. These are the applications filed by the Claimants seeking permission to withdraw the amount of compensation, which has been deposited by the Acquiring Body/cross-objector in pursuance of award passed by the Competent Authority under the Land Acquisition Act, 2013.

3. It is submitted that initially, the compensation was determined by the Land Acquisition Officer (LAO) at the rate of Rs.716 per square meter. The Claimants have approached to the Competent Authority with certain sale instances seeking enhancement at the rate of Rs.30,000/- per square meter.

4. Having regard to the evidence adduced coupled with the documents produced on record, the Competent Authority has fixed compensation at the rate of Rs.1429/- per square meter.

5. Learned Counsel appearing for the Acquiring Body Shri Chaudhary would submit that the compensation was doubled already by the Competent Authority. He would submit that the evidence adduced by the Claimants was not properly appreciated and the compensation is granted in too excessive rate.

6. The learned Counsel appearing for the Claimants has submitted that the Competent Authority has properly

appreciated the documentary evidence. Rather he expressed its dissatisfaction since he has also filed an Appeal seeking enhancement of compensation. However, it emerges that before the Competent Authority the Acquiring body though appeared did not contest by way of cross-examination.

7. By and large, the compensation amount runs near-about Rs.50 crores in all these matters. Though the rate fixed by the Competent Authority was doubled than the rate awarded by the LAO, however due to solatium, specifically interest and multiplier factor the amount is increased.

8. Having regard to the above facts, we deem it appropriate to permit the Claimants to withdraw 50% amount with accrued interest on usual undertaking and next 25% amount along with accrued interest, if any, on furnishing solvent surety or bank guarantee, in the like amount on usual terms and conditions.

9. Learned Counsel Shri Kothari would submit that the Claimant in Cross-Objection St. No.21990/2023, is 85 years of age, bed ridden staying at Yavatmal and thus, unable to attend the office of this Court due to health constraints.

10. He urged that his personal appearance before the Registrar (Judicial) of this Court be exempted.

11. Considering the physical condition and ailment of the said Claimant, he is permitted to appear through Power of Attorney in the Family and the Registrar

(Judicial) shall affirms the contents through Video conferencing/call, if he desires so.

12. The applications stand disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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