



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

Civil Application (CAF) No. 749 of 2021
in

First Appeal St. No. 11996 of 2019

[VI.D.C. through its Executive Engineer, Minor Irrigation Division, Wardha and anr. ..vs.. Nilkanth s/o Lahanuji Yeole and ors.]

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

Court's or Judge's orders

Mr. V. A. Dahat, Advocate h/f Mr. J. B. Kasat, Advocate for the applicants/
appellants
Mr. D. R. Bhoyar, Advocate for the respondent no. 1
Mrs. M. R. Kavimandan, AGP for respondent no. 2

CORAM : ANIL L. PANSARE J.

DATED : 17-01-2024

For the reasons set out in the application, the application is allowed as prayed for.

2. First appeal be registered.

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3. The appellants are challenging the enhanced compensation granted by the reference Court.

4. The notification under Section 4 was issued on 28-5-1998. Land Acquisition Officer awarded compensation at the rate of Rs. 90/- per square meter for open space and Rs. 2108/- per square meter for constructed area. The said compensation has been enhanced by the reference Court to Rs. 738/- per square meter for open space and Rs. 2531/- per square meter for constructed area.

5. Learned counsel for VI.D.C. fairly submits that in an identical matter viz. First Appeal No. 687/2014

(VIDC, Wardha Vs. Vithal Ganpatrao Timande and anr.), this Court vide order dated 12-12-2018 has dismissed the appeal by holding that reference Court was justified in awarding compensation at the enhanced rate. In view thereof and for the reasons stated in the order dated 12-12-2018 in First Appeal No. 687/2014, the present appeal stands dismissed with no order as to costs.

6. At this stage, learned counsel for the appellants submits that the amount of compensation has been already deposited. The respondent no. 1 is at liberty to withdraw the same by filing application before the Registry.

(Anil L. Pansare, J.)