

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6270 OF 2001

Limbraj & Anr.

...Appellant(s)

Versus

**Regional Officer, M.I.D.C., Maharashtra,
& Ors.**

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

This appeal has been filed against the impugned judgement of the Bombay High Court [Aurangabad Bench] dated 14th November, 2000 in First Appeal No.106 of 2000.

Since the facts have been given in detail in the impugned judgement of the High Court, it is not necessary to refer to the same here.

Shri Shekhar Naphade, learned counsel for the appellants, has, inter alia, submitted that the potentiality of the land has not been considered while fixing the compensation therefor.

We have carefully perused the judgement of the High Court and find that this argument qua potentiality is correct. The High Court, in the impugned judgement, has not considered the potentiality of the land. Hence, we set aside the impugned judgement and remand the matter to the Bombay High Court for a fresh decision after hearing the parties in accordance with law.

The civil appeal is, accordingly, allowed.

**.....J.
[MARKANDEY KATJU]**

**.....J.
[G.S. SINGHVI]**

**New Delhi,
February 26, 2009.**