

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9038 OF 2015 IN
FIRST APPEAL STAMP NO.17607 OF 2015

Executive Engineer, Irrigation
Project Majbutikaran Division, Omerga
and others ... APPLICANTS

VERSUS

Kamalbai Datatraya Mane ... RESPONDENT

.....
Shri A.N. Gaddime, Advocate for applicants
Shri A.B. Kale, Advocate for respondent
.....

CORAM: R.M. BORDE AND
 A.I.S. CHEEMA, JJ.

DATED: 11th December, 2015.

ORAL ORDER :

1. Notice returnable on 5th February 2016. Mr. Kale, learned counsel waives service for the respondent.

2. Mr. Kale, learned counsel for the respondent (original claimant) has pointed out that the lands have been taken in possession in 1999. The agriculturists took loan for planting trees in the land and the amount due and payable to the creditors runs in Crores of rupees. The Land Acquisition Officer granted meagre amount of compensation, which has been

directed to be enhanced by the Reference Court by the judgment and order dated 21.2.2014. It is pointed out that, the Reference Court has not awarded anything towards the land value, however, has granted compensation towards the trees and other developments made in the land.

3. The number of trees allegedly planted in the agricultural lands appear to be prima facie excessive. However, it has been pointed out that the existence of the trees has not been disputed by the respondents. It is further pointed out by the counsel appearing for the respondent/ claimant that, due to financial constraints and since the lands were ancestral, the institution/ Bank who had lent amount for cultivation, were insisting for recovery, two agriculturists/ claimants from the family have committed suicide.

4. Taking into consideration the plight of the claimants, we direct the appellant/ acquiring body to deposit 50% of the amount of compensation as directed by the Reference Court under the award dated 21.2.2014 together with interest calculated till the date of filing of the appeal, within a period of eight weeks from today.

5. This direction is issued at the ad-interim stage

subject to modification/ confirmation, while disposing of the Civil Application.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)

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