

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.10212 OF 2015

Ramesh s/o Mohan Ade
and others

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr.G.J. Karne, advocate for petitioners
Mr.D.R.Kale, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 13th October, 2015

PER COURT:

1 Petitioners claims that Respondents have already determined amount of compensation payable in respect of trees, however, as a result of pendency of some petition in this Court, the amount is not being released.

2 It is not a matter of dispute that in pursuance to the private negotiations, sale deed has been executed in favour of the acquiring body and that no acquisition proceedings were pursued. In the sale deed itself, there is a reference in respect of entitlement of the claimants to receive amount of compensation in respect of well, pipeline, electric motor and fruit bearing trees. In accordance with the recitals in the sale deed, it appears that the amount has been determined. If at all the Respondents authorities have arrived at an amount of compensation on consideration of entitlement of the petitioners to receive value of the trees, it would

be open for the acquiring body to disburse the amount so arrived at to the claimants petitioners. In the event of failure of acquiring body to determine such amount, the acquiring body shall determine the amount in consonance with recitals in sale deed and pay the amount in accordance with such determination.

3 With these directions, writ petition stands disposed of.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE