

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2663 OF 2013

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALGAON
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mrs. Kutti Choudhary Chaitali.
AGP for Respondents : Mrs. M.A. Deshpande.
Advocate for Respondent Nos.4 to 31 : Mr. A.B. Kale.

. . .

CORAM : S. V. GANGAPURWALA &
A. M. BADAR, JJ.

DATE : 21ST JANUARY, 2016.

PER COURT:

1] Mrs. Kutti, learned counsel for the petitioner states that, the amount awarded towards rental compensation is being assailed on the ground that rental compensation is also awarded in respect of fruit bearing trees. According to the learned counsel, the same is not permissible as per the Government Resolution dated 26.12.2003. As such award to the extent of rental compensation in respect of fruit bearing trees is erroneous and illegal.

2] We have heard the learned AGP and learned counsel for the respondent/claimant.

3] Even as per judgment of this Court in Writ petition no. 4943 of 2008, dated 02.09.2008, if the price of trees and crops are included in the award towards compensation then the rental compensation is to be paid on the said amount.

4] It is not in dispute that, in the present case award amount

includes the amount of compensation towards land and trees.

5] In light of above, no error has been committed by the Special Land Acquisition Officer in awarding rental compensation. Writ petition is disposed of. No costs.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

Tandale/-