

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.3108 OF 2016

IN

FIRST APPEAL NO.766 OF 2016

(EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, WASHIM....VS..SHANKAR DATTARAO
MAGAR AND ANOTHER)

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

Court's or Judge's orders

Shri V.G.Palshikar, Advocate for applicant.
Shri V.K. Paliwal, Advocate for the respondent No.1.
Shri S.B. Bissa, AGP for the respondent No.2.

CORAM : Z.A.HAQ, J.

DATED : 26-09-2016.

Shri V.G. Palshikar, advocate for the appellant opposes the prayer for withdrawal of the amount on the ground that the compensation granted by the reference Court for 215 sandalwood trees is not justified as there is no evidence on record to substantiate the claim. It is submitted that the notification under Section 4 of the Land Acquisition Act, 1894 was published on 19/03/1998 and to substantiate the claim for compensation for 215 sandalwood trees, the appellant has produced only 7/12 extract of 1997-98 and 7/12 extracts of earlier years are not produced to substantiate that the sandalwood trees existed in the acquired land.

Prima-facie, the submissions made on behalf of the appellant for opposing the prayer for withdrawal of the amount are required to be accepted.

The learned advocate for the claimant has made an alternative submission that the enhanced amount of compensation granted by the reference Court for the acquired land along with statutory benefits on that amount, be given to the claimant.

Considering the facts of the case, I am not inclined to grant this alternative prayer also.

The civil application is **dismissed**. The amount be continued in fixed deposit in nationalized bank till the disposal of the appeal.

JUDGE

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

Uploaded by : R.B. Raut, PS

Uploaded on : 28/09/2016.