

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CAF No. 1327/2017 in FA St.No.20207/2016

Executive Engineer(Man Project Division)
New Name-Jigaon Lift Irrigation Divn, Khamgaon
Vs.
Madhurabai Bhimrao Pachpor and others

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

Court's or Judge's orders.

Shri P.B.Patil, Advocate for applicant.

CORAM : N.W.SAMBRE, J.

DATE : APRIL 03, 2017

Heard Shri Patil, the learned counsel for the
applicant and Mrs. Mrunal Naik, the learned Assistant
Government Pleader for respondent nos. 2 and 3.

For the reasons stated in the application,
delay caused in the preferring the appeal stands
condoned as the same is on the administrative ground.

The application stands disposed of.

FA St.No.20207/2016

Heard the learned counsel for the appellant
on merits.

He would submit that enhanced
compensation as granted by the learned reference Court
in exercise of power under Section 54 of the Land
Acquisition Act is exorbitant and without any basis.

With the assistance of the parties, I have

perused the judgment delivered by the learned reference Court. The learned reference Court granted enhanced compensation of Rs.99,830/-, as the compensation was awarded at the rate of Rs.1,25,000/- for the land in Gat No.549 to the extent 1 H 49 R, total Rs.1,86,250/-. So far as the said compensation is concerned, the same is based on cogent reasons and considering the oral and documentary evidence as is brought on record. The detailed discussion to that extent could be noticed in the judgment of the reference Court and particularly in paragraphs 21, 22, and 23 wherein the quality of the land, the fertility and the other fixtures including that of irrigation facilities taken into account. In view thereof, in my opinion, no interference is warranted on the said issue.

Though Shri Patil, the learned counsel for the applicant/appellant, Acquiring Body, has strongly urged for the exorbitant compensation as awarded for the fruit bearing trees, it is to be noted from the record that in the Joint Measurement Report, there is specific mention of 57 *Bor* trees and 44 *Awala* trees. The Land Acquisition Officer awarded meager compensation of Rs.550/-. The Joint Measurement Report is at Exh.28 and in the said report, there is mention about the existence of fruit bearing trees. The learned reference Court then relied upon the judgment of this Court in the matter of First Appeal No.786/2010 in Acquisition Case No.79/1999 wherein certain compensation awarded to the fruit bearing trees. The reference Court then examined the evidence of the expert, which was produced by the

claimant in support of his claim for compensation and has ordered payment of enhanced compensation for Bor trees and Awala trees to the extent of Rs.4,86,918/-. The said enhancement is based on the scrutiny of evidence of the experts and the documentary evidence. I hardly see any ground to interfere with the said findings recorded by the learned reference Court in awarding enhanced compensation in favour of the land owners. No case interference is made out.

The first appeal is dismissed. No costs.

JUDGE

Andurkar..