

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2136 OF 2018
IN
FIRST APPEAL NO. 1087 OF 2004

Mukta Laxman Berad (died),
through legal representatives:
Bhausahab Muktaji Berad & ors. .. Applicants

versus

The State of Maharashtra .. Respondent

Mr. S. H. Panchal, Advocate h/f Mr. B. N. Palve, Advocate for
applicants

Mr. A. M. Phule, Asstt. Government Pleader for respondent

CORAM : SUNIL P. DESHMUKH, J.
DATE : 20th January, 2018

ORDER:

1. Heard learned counsel for the applicants and learned
counsel for the respondents.

2. It appears that pursuant to the land acquisition
compensation award by reference court, an amount of
Rs.3,67,631/- has been deposited by respondent in present
application - appellant in the first appeal.

3. The appeal bearing no. 1087 of 2004 has been dismissed
by this court, along with other first appeals on 11-11-2016,
observing thus:

" 5. The learned AGP submitted that the circular with regard to valuation of the trees was issued by the Government subsequently i.e. on 27.12.1990 when the notification u/s. 4 of the Act was published on 12.9.1985 and so, this circular could not have been used. This submission is not at all acceptable. The same method was used by the Land Acquisition Officer and only the factor, the multiplier which is changed is used by the Reference Court. It appears that the valuation was not got done by the owners of the trees and due to these circumstances, the circular has been used. This Court holds that it is not possible to interfere in the decisions given by the Reference Court. For jirayat lands rate of Rs.1,12,500/- per Hectar is given and for Bagayat lands rate of Rs.1,68,500/- is given when higher rate could have been given. "

5. In the result, all the appeals stand dismissed. Bank guarantee, if any, given by the original claimants stand released. Amount deposited, if any, is to be disbursed as per the judgments and awards. All civil applications are disposed of. "

4. In view of aforesaid, it would be expedient that the amount deposited in this court in first appeal bearing no. 1087 of 2004 be allowed to be withdrawn by applicants as prayed for in prayer clause (B) along with interest, if any, accrued on deposited amount.

5. In view of power of attorney, a photo-copy of which has been annexed to the application, office may on proper identification of the person allow the power of attorney to collect the cheque.

6. Civil application stands disposed of.

SUNIL P. DESHMUKH
JUDGE

pnd/-