

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

C.A.F. NO.2953/2015

IN

FIRST APPEAL STAMP NO.6468/2015

Vidarbha Irrigation Development Corporation, through Executive Engineer,
Yavatmal Medium Project Division, Yavatmal

..Vs..

Ramlu Narayan Pinnamwar 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 Palshikar, Advocate for the applicant / appellant.

CORAM : Z.A. HAQ, J.

DATE : 28.8.2018.

C.A.F. NO.2953/2015

1. For the reasons stated in the application, leave is granted to applicant to prosecute the appeal. The civil application is **allowed** accordingly. No costs.

CAF NO.2021/2016

2. For the reasons stated in the application, the delay of 2385 days in filing appeal is condoned. The civil application is **allowed** accordingly. No costs.

FIRST APPEAL STAMP NO.6468/2015

3. This appeal is filed by the Vidarbha Irrigation Development Corporation (Acquiring Body) to challenge the award passed by the reference Court by which the amount of compensation receivable by the claimants is enhanced.

4. The learned Advocate for the appellant has submitted that according to the ready reckoner the valuation of acquired land was Rs.14,000/- per hector. The reference Court has granted compensation at the rate of Rs.54,000/- per hector. According to the resolution issued by the Government of Maharashtra on 23rd February, 2017 if the enhancement of the amount of compensation is not more than four times the amount of land in question as per the ready reckoner, the award passed by the reference Court should not be challenged by the acquiring body. Considering this aspect, challenge to the award enhancing the compensation in respect of land cannot be entertained.

5. The learned Advocate for the appellant has submitted that reference Court has committed an error by granting compensation of Rs.6,33,500/- for teak trees overlooking the fact that the claimants have not been able to substantiate before the Land Acquisition Officer that teak trees existed in the acquired land. This submission also cannot be accepted. The reference Court has recorded that the Deputy Conservator of Forests, Pandharkawada had sent the letter produced on record at serial No.30 in file Exh. No.47 to the Executive Engineer, Medium Project, Yavatmal certifying that 1267 teak trees were standing when the land in question was acquired. In addition, the claimants have produced on record a certificate issued on 3rd October, 2007 at Exh. No.46 issued by the Talathi Ambezari to the effect that

1267 teak trees were standing on the land in question when it was acquired. Similarly, there is evidence on record to show that two mango trees and 931 Adjat trees were standing on the land in question when it was acquired. After going through the impugned award, I find that the reference Court has rightly appreciated the material on record. The appellant has not been able to point out any perversity in the findings recorded by the reference Court. The amount of Rs.6,33,500/- awarded as compensation for 1267 teak trees cannot be said to be exorbitant or unjustified.

6. In view of the above, I see no reason to interfere with the impugned award. The appeal is **dismissed**.

7. The amount lying in deposit either with the Registry of this Court or with the reference Court, alongwith interest on it, if any, shall be given to the claimants as per the impugned award.

CAO NO.1514/2018

8. As the appeal is dismissed, this application seeking permission to bring on record legal representatives of respondent No.3 is not considered at this stage. The Acquiring Body and / or the legal representatives of respondent No.3 are at liberty to approach the executing Court in the matter. The civil application is **disposed** accordingly. No costs.

CAO NO.1513/2018

9. In view of order passed on CAO No.1514/2018, no orders are necessary on this application praying for condonation of delay in bring the legal representatives of the respondent no. 3 on record. It is **disposed** accordingly. No costs.

JUDGE

Tambaskar.