

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

C.A.F. NO.1192/2016

IN

FIRST APPEAL STAMP NO.17017/2015

Deputy Chief Engineer, Construction (UOI) Central Railway, Ajni, Nagpur and
 others

..Vs..

Smt. Sonabai Mahadeo Sonare through L.Rs. Devendra Mahadeorao Sonare
 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 Anoop Parihar, Advocate for the applicants / appellants.
 Shri Vinay Dahat, Advocate for respondent No.1(a).
 Shri S.B. Bissa, A.G.P. for respondent No.3.

CORAM : Z.A. HAQ, J.

DATE : 3.9.2018.

1. Heard.
2. The appellants - Acquiring Body has filed this appeal to challenge the award passed by the reference Court enhancing the amount of compensation receivable by the claimants. There is delay of 170 days in filing the appeal. Hence this application is filed. The office note shows that the appeal against respondent No.1(e) is dismissed. The learned Advocate for the applicants / appellants sought time to take steps in the matter. Shri Vinay Dahat, Advocate for the respondent Nos.1(a) to 1(d) and 1(f) submitted that the compensation granted by the Land Acquisition Officer by the impugned award is just and proper and the award does not require any interference. In view of the submission made by the learned Advocate for the claimants, I have examined the

merits of the matter.

3. By notification under Section 4 of the Land Acquisition Act, 1894 published on 7th December 1998, 0.67 hector land owned by the claimants came to be acquired. At the time of acquisition, 38 orange trees between age group of 10 to 13 years existed on the land in question. The Land Acquisition Officer, by award dated 30th March, 2002 determined the compensation for 0.67 hector land at the rate of Rs.71,500/- per hector and for the trees, compensation was determined at Rs.84,484/-. Being dissatisfied with the amount of compensation determined by the Land Acquisition Officer, the claimants had requested for reference under Section 18 of the Land Acquisition Act, 1894. The reference Court, by the impugned award has held that the claimants are entitled for compensation for 0.67 hector land at the rate of Rs.1,25,000/- per hector. As far as the orange trees are concerned, the reference Court has granted additional compensation of Rs.23,337/-.

Paragraph No.17 of the impugned award shows that the reference Court has determined the amount of compensation receivable by the claimants relying on the award passed in L.A.C. Nos.74/2005 and 75/2005.

4. I find that the findings recorded by the reference Court are based on proper appreciation of evidence on record and the applicants / appellants have not been able to point out any perversity in the findings

recorded by the reference Court and the applicants / appellants have not been able to show that the amount of compensation determined by the reference Court is exorbitant and unjustified.

5. In the facts of the case, I am not inclined to condone the delay. The application praying for condonation of delay is **dismissed**. Consequently, the appeal is **rejected**. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.