

IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.

3 WRIT PETITION NO.4967 OF 2016

SAHEBRAO BABAJI MULE
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

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Mr. D.A.Bide, Advocate for petitioner.

Mr. S.G.Karlekar, AGP for State.

Mr. S.S.Dande, Advocate for R – 3.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 05/03/2019

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ORAL ORDER:

. Mr. Bide, learned counsel for petitioner submits that the respondents have not granted compensation to the petitioner in respect of the acquired trees in a proper manner. The valuation done by them is per-se illegal. The respondents be directed to pay compensation as per the schedule of rates prescribed by Chief Conservator Officer [territorial], Pune of the year 2012-2013. Learned counsel submits that there is disparity in the claims of compensation. In one Award for 10 teakwood trees, the respondents computed the compensation of Rs. 15,782/-. The mistake was brought to the notice that the petitioner has 101 teakwood trees. However, subsequently the respondents have shown the compensation of Rs. 15,940/-. The same is illegal. To the similarly situated claims for one tree the respondent has given compensation of Rs. 7,000/- and Rs. 13,828/- and to the petitioner a paltry sum has been given as compensation. For 101 teakwood trees, Rs.13,000/- is given to the petitioner. The trees are still standing at the site.

2. Learned A.G.P. submits that the mistake was committed of showing 10 trees. The said mistake is corrected and 10 trees shown in the Award u/s 33(2) and 36 (1) of the Maharashtra Industrial Development Act, 1961 [for short, 'said Act'] is in-fact 101 trees. The compensation is calculated as per the circumference and height of the trees.

3. At the first blush, it appears that in the Award u/s 33(2) and 36 (1) of the said Act ten trees were shown and compensation was paid. However, it has been clarified that it was for 101 trees as per the valuation report dated 06/05/2013.

4. The Award is consent award. In the writ jurisdiction it may not be possible for us to go into the valuation of the trees in respect of circumference and height of the trees. There is no other evidence in respect of circumference and height of the trees.

5. Considering the other aspects of the matter, it is not possible to entertain the petition.

6. Writ petition accordingly disposed of. No costs.

[A.M.DHAVALA]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

KNP.