

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

First Appeal No. 1016/2015 In Land Acquisition Case No. 503/2010.
(The Executive Engineer, Minor Irrigation Department, Zilla Parishad, Nagpur
& anr. Vs. Shri Harichandra Tukaram Tabhane)

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

Court's or Judge's orders

Mr. S. D. Shirpurkar, AGP for appellant Nos. 1 and 2.
Mr. C. R. Najbale, Advocate for respondent – sole.

CORAM : MANISH PITALE, J.

DATED : AUGUST 21st, 2019

By this appeal, the appellants have challenged the judgment and order dated 02.05.2014 passed by the Reference Court in Land Acquisition Case No. 503/2010. In the present case, 0.95 H.R. land belonging to the respondent in Survey No. 82, at village Khapara (Khurd), Tahsil – Katol, District Nagpur was acquired for Irrigation Project. The Land Acquisition Officer passed award on 08.05.2007 granting compensation of Rs. 05,46,762/-.

Aggrieved by the said quantum of compensation, the respondent preferred a Reference under Section 18 of the Land Acquisition Act, 1894 and in the said proceedings, the impugned judgment and order was passed. By the said judgment and order, the Reference Court enhanced compensation to Rs. 02,50,000/- per hectare and specific amount of compensation was granted for various trees existing on the land of the respondent including orange trees.

In the present appeal, the main ground raised for challenging the Reference Court's order is that the Reference Court

placed reliance on award passed about 10 years earlier in respect of similar land and there has been granted increment of 10% per year to the said figure of grant of compensation to the respondent, which is exorbitant. As regards the quantum of compensation granted for various tress, no serious challenge was raised on behalf of the appellants.

Considering the fact that in various judgments of the Hon'ble Supreme Court and this Court the aforesaid method of granting incremental rates of compensation at 10% every year has been held to be reasonable, the main ground which is raised in the present appeal does not have any substance. It has been pointed out by the learned counsel for the respondent that insofar as compensation granted for trees is concerned, in First Appeal No. 744/2016 pertaining to adjoining village, this Court has upheld the quantum of compensation granted for orange trees even while the Notification under Section 4 of the Land Acquisition Act in the said case was earlier in point of time, as compared to the Notification under Section 4 of the said Act in the present case.

In view of the above, there is no substance in the present appeal and it is accordingly dismissed.

It is informed that the respondent has been permitted to withdraw 75% of the amount of compensation deposited by the appellant in this Court. Consequent to dismissal of the present appeal, the respondent is permitted to withdraw the balance amount lying in this Court, alongwith accrued interest, if any.

JUDGE