

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO. 210/2009

(THE STATE OF MAHARASHTRA & ANOTHER **VERSUS** HARIDEO RAGHUDEO FUTARIYA)
 WITH

FIRST APPEAL NO. 752/2009

(THE STATE OF MAHARASHTRA & ANOTHER **VERSUS** VISHNU SANTOSHRAO NIMBULKAR)

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

Court's or Judge's orders

Shri A.V. Palshikar, A.G.P. for appellants.

CORAM : A.S. CHANDURKAR, J.

DATE : JUNE 07, 2019.

Both these appeals filed under Section 54 of the Land Acquisition Act, 1894 (for short, 'the said Act') can be disposed of in view of adjudication by this Court in First Appeal No.676 of 2005.

In First Appeal No.210 of 2009, the adjudication by the Reference Court in L.A.C. No.264 of 2002 is under challenge. Notification under Section 4 of the said Act is dated 19.03.1998 and the award was passed on 26.12.2000. In the reference proceedings, the Reference Court has granted compensation for 120 orange trees at the rate of Rs.4,000/- per tree. Said adjudication has been challenged in the present appeal.

In First Appeal No.752 of 2009, the judgment of the Reference Court in L.A.C. No.269 of 2002 is under challenge. The notification under Section 4 of the said Act is dated 22.01.1998. The Reference Court has enhanced the amount of compensation for 108 orange trees and 205 sweet lime trees to Rs.5,000/- per tree. That adjudication is challenged in the present appeal.

The lands acquired are from village Isapur, Tahsil Katol, District Nagpur. In First Appeal No.676 of 2005 decided on 15.01.2018, this Court has awarded an amount of Rs.5,825/- per tree for the orange and sweet lime trees with regard to lands acquired pursuant to the notification dated 29.03.1998. The lands therein are also situated at Mouza Isapur, Tahsil Katol, District Nagpur. There are no cross-objections filed seeking further enhancement in the amount of compensation. In the light of the aforesaid adjudication in First Appeal No.676 of 2005, there is no reason to reduce the amount of compensation as granted by the Reference Court for the orange and the sweet lime trees.

Hence, for reasons assigned in First Appeal No.676 of 2005, the judgment of the Reference Court in both the appeals stands confirmed. The First Appeals stand dismissed with no order as to costs. The claimants are free to withdraw the amount of compensation as deposited alongwith accrued interest.

JUDGE

APTE