

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

**CIVIL APPLICATION NO. 5669 OF 2021
IN
FIRST APPEAL NO. 913 OF 2021**

The Executive Engineer,
Minor Irrigation Division, Jalgaon
and Another

..APPLICANTS

VERSUS

Anna Madhukar Patil and Others

..RESPONDENTS

....

Mr. S.S. Chillarge, Advocate for applicants
Mr. V.B. Patil, Advocate for respondent no.1
Mr. S.N. Kendre, A.G.P for respondent - State

....

**CORAM : R.G. AVACHAT, J.
DATE : 06th AUGUST, 2021**

PER COURT :

1. Heard.
2. Perused the impugned award and reply filed by the respondent – claimant. A case of discrimination appears to have been made.
3. Learned counsel for the appellants, on instructions, submits that the concerned officer might have played mischief and enquiry in that regard is underway. It appears that the Special Land Acquisition Officer had granted compensation of Rs.11 lakhs for fruit bearing trees. The reference Court has enhanced it to Rs.1,37,71,126/-.

4. Learned counsel for the applicants relied on the judgment of Apex Court in case of *The Executive Engineer, M.I.W. Vs. Vitthal Damodar Patil and Another (2019) 7 SCC 225*, to submit that each and every appeal has to be decided on peculiar facts and circumstances of it's case.

5. In view of this scenario, on depositing 75% of the amount under the award within twelve weeks, execution thereof is stayed. Civil application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD