

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

FIRST APPEAL NO.2832 OF 2017

Venabai Pandit Patil & anr. ... APPELLANTS

VERSUS

**The Special Land Acquisition Officer,
Minor irrigation, Jalgaon & ors. ... RESPONDENTS**

.....
Mr. V.S. Khairnar-Patil, Advocate for appellants
Mr. S.S. Dande, A.G.P. for respondents No.1 and 3
Mr. s.r. Patil, Advocate for respondent No.2.
.....

CORAM : R. G. AVACHAT, J.

DATE : 16th NOVEMBER, 2021

PER COURT :

Heard. Learned counsel for the appellants submits that, in spite of there being existence of well in the acquired land, the Reference Court has stated the land as unirrigated and granted the compensation. In support of his claim, he relies on 7/12 extract (Page 21 of the appeal memo). He also relies on the written statement filed by the Special Land Acquisition Officer before the Reference Court.

2. On close reading of this document, it is crystal clear that the written statement filed by the State/ acquiring

body is readymade and is filed in almost all the matters as it is. Since admittedly there were no trees in the acquired land, still vide paragraph No.10 of the written statement, it has been narrated that, considering the existence of trees in the acquired land, the compensation has been granted. As such, admission, if any, in the written statement cannot be considered. Moreover, the 7/12 extract relied on behalf of the appellants pertains to the year 2008-2009. There is no 7/12 extract for the year in which the land has been acquired. As such, the Reference Court has rightly granted the compensation considering the appellants' land to be unirrigated. In this factual backdrop, no interference is warranted with the impugned judgment and order.

3. In the result, the appeal fails. It is dismissed.

(R. G. AVACHAT)
JUDGE

fmp/-