

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

FIRST APPEAL NO. 1035 OF 2015

WITH

CIVIL APPLICATION NO.1694 OF 2021

IN

FIRST APPEAL NO. 1035 OF 2015

The Executive Engineer,
Minor Irrigation Department,
Zilla Parishad, Nagpur and Anr.

....Appellants

V/s

Krishnarao Ajabrao Tekade

.....Respondent

Ms. Mayuri Deshmukh, AGP for the Appellants.

Mr. C.R. Najbile, Advocate for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: SEPTEMBER 21, 2021

P.C.:-

1] This is an appeal by the acquiring body. In exercise of power under Section 18 of the Land Acquisition Act, vide impugned judgment, Reference Court on 2nd May, 2014 granted enhanced compensation. It is alleged that such enhancement is

on higher side.

2] The learned AGP Ms Deshmukh would invite attention of this Court to the award of compensation for the fruit bearing Trees such as Orange Trees, Bor Trees, Kadu-Neem Trees etc. According to her, calculation of enhanced compensation is on higher side.

3] Mr. Najbile, learned Counsel for the Respondent/land owner would urge that award of compensation is quite reasonable and sought dismissal of the appeal by inviting my attention to the judgment of the learned Single Judge of this Court in First Appeal No.1016 of 2015 decided on 21st August, 2019 arising out of Land Acquisition Case No. 503 of 2010.

4] When confronted, it is agreed between the respective learned Counsels before this Court that the land acquired in Land Acquisition Case No.503 of 2010 referred to in First Appeal No.1016 of 2015 is same and identical in Land Acquisition Case No. 495 of 2010. According to the learned Counsels, the land mentioned in the impugned judgment is acquired for very same project for which First Appeal No.1016 of 2015 is decided.

5] In the backdrop of the judgment of the learned Single Judge of this Court dated 21st August 2019 delivered in First Appeal No.1016 of 2015, present appeal stands dismissed. As a consequence, pending application stands disposed of.

(NITIN W. SAMBRE, J.)