

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

943 WRIT PETITION NO.7503 OF 2021

**POPAT SHAMRAO DUBE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. R. N. Dhorde, Senior Advocate i/b Mr. Dhorde
Vikram R

AGP for Respondent Nos. 1, 3 to 7: Mrs. R.P. Gaur
Advocate for Respondent No. 2 : Mr. A.V. Indrale-Patil

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 20.09.2022.

PER COURT :

We have heard the learned Senior Advocate Mr. Dhorde for the petitioner, learned advocate Mr. Indrale Patil who represents the respondent No. 2-Corporation and the learned A.G.P.

2. It transpires that the petitioner's land Gat No. 42 to the extent of 74-Are was acquired by the respondent No. 2-Corporation for laying 'Samrudhi Mahamarga'. In the joint measurement 447 pomegranate trees were found standing on that land. The District Level Committee which was constituted as per the government resolution dated 12.05.2015 had decided the amount of compensation to be paid to the petitioner by way of private negotiations. However, pertinently, the valuation of the fruit bearing trees was not made. Even while getting the sale-deed executed from the petitioner, it was specifically stipulated that the valuation in respect of the orchard and in respect of the well and the pipe line was kept open and the amount of consideration was only in respect of the land.

3. It appears that subsequently, at the instance of the petitioner, the Land

Acquisition Officer had solicited some report from the District Superintendent of Agriculture regarding the valuation of the fruit bearing trees. There is a serious factual dispute between the parties as to the proper valuation of the trees and the compensation to be paid to the petitioner.

4. In our considered view, when the modalities for payment of compensation in respect of the lands which are purchased by way of private negotiation have been explicitly laid down in the government resolution dated 12.05.2015 *inter alia* requiring constitution of a committee which thereafter is supposed to take a decision as to the amount of compensation to be paid to the land owner, it would be appropriate that the parties approach the committee which thereafter shall decide the amount of compensation in tune with the government guidelines in respect of the pomegranate trees which were standing on the petitioner's land which was acquired by way of private negotiation.

5. The committee shall take such decision within twelve weeks after hearing both the sides that is the petitioner and the respondent No. 2-Corporation.

6. The Writ Petition is disposed of.

(SANDEEP V. MARNE J.)

(MANGESH S. PATIL, J.)

mkd/-