

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

Civil Application (F) No.967/2022 in First Appeal No.433/2022

VIDC, Amravati and another V Kokilabai Chaudhary and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. M.A. Kadu, Advocate for applicants.
Mr. R.J. Shinde, Advocate for resp. no.1.
Mrs. Shamsi Haider, AGP for resps. No2 and 3.

CORAM : ABHAY AHUJA, J.
DATE : 28-09-2022

Heard.

2. By this application, the applicants are seeking stay of the judgment and award dated 17-03-2020 passed by the Joint Civil Judge, Senior Division, Achalpur in Land Acquisition Case No.33/2014.

3. Mr. Kadu, learned Counsel for the applicants states that he will deposit the entire amount in this Court within a period of eight weeks subject to which stay may be granted.

4. Mr. Shinde, learned Counsel for respondent no.1 and learned AGP for respondents no. 2 and 3 have no objection if stay is granted subject to deposit of the amount.

5. Having heard the learned Counsel for the applicants and having perused the application, let there be a stay on the impugned decision dated 17-03-2020 subject to deposit of the entire compensation awarded by the Reference Court within a

period of eight weeks.

6. Application stands disposed.

First Appeal No.433/2022

Heard.

2. Mr. Kadu, learned counsel for the VIDC submits that although the Land Acquisition Officer had granted compensation of Rs.6774/- for the acquired land and Rs.1,25,840/- for 80 Orange trees, the Reference Court has enhanced the compensation for land to Rs. 2,55,000/- per hectare and Rs. 5,56,998/- for 80 Orange trees of seven years age in the acquired Gat No.264/2 of village Eklaspur, Tq. Achalpur, District Amravati for Chandrabhaga River Project. Learned Counsel submits that the Reference Court has committed an error in relying on the Sale Deed at Exhibit-31 without assessing and evaluating the location, proximity, potentiality and distance from the road and has also granted an exorbitant compensation for the trees without any evidence on record. He submits that once the record and proceedings are called the matter can be finally disposed.

3. Mr. Shinde, learned Counsel for respondent no.1 and learned AGP for respondents no. 2 and 3 have no objection if the Appeal is finally heard.

4. Having heard the learned Counsel for the appellants and having perused the Appeal Memo and the impugned order, the following order is passed :-

ORDER

- i. **Admit.**
- ii. Registry is directed to call for Record and Proceedings within a period of four weeks.
- iii. Let the Memo of appeal along with compete Annexures be served on the respondents within a period of two weeks thereafter and an affidavit of service with tangible proof be filed in this Court.
- iv. List the matter on 09-11-2022.

(Abhay Ahuja, J.)