

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

CIVIL APPLICATION (CAF) NO. 1714 OF 2022
IN
FIRST APPEAL NO. 174 OF 2014

Ashruba S/o. Ananda Shingne (dead) thr. LRs. Shivaji S/o. Ashruba Shingne and ors.

...VERSUS...

State of Maharashtra thr. Collector, Buldhana and ors.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Sharad P. Pawar, Advocate for appellants/applicants.

Shri R.D.Kalra, Advocate for respondent no. 2.

Ms. H.N.Jaipurkar, Advocate for respondent nos. 1 and 3.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 12th August, 2022.

The present application is filed for final disposal of the instant First Appeal.

2. The learned counsel for the appellants have waived their claim in respect of Gat No. 4 and 19. However, admittedly, Gat No. 8 being irrigated land, its value is required to be as per decision by this Court in First Appeal No. 1142 of 2011.

3. The learned counsel for the appellants submits that the village and project involved in First Appeal No. 1142/2011 are the same, wherein this Court has fixed the rate of land as Rs. 2,05,000/- per Hector. However, it is further contention of the appellants that the compensation in respect of fruit bearing trees is not granted. Therefore, the matter needs be remanded back for grant of compensation in respect of fruit bearing trees.

4. It is submitted that the amount awarded towards fruit bearing trees in Land Acquisition Case No. 09/2002 along with other matters, needs to be awarded in the case of present appellants.

5. The learned counsel for the respondents though fairly conceded that, for land in Gat No. 8, the rate can be given as Rs. 2,05,000/-. So far as fruit bearing trees are concerned, it would be appropriate to remand the matter back for awarding of compensation against the trees.

6. In view of above submissions, the appeal is heard finally and partly allowed.

7. The amount fixed by this Court in First Appeal No. 1142/2011 is fixed for the land in Gat No. 8 acquired by Special Land Acquisition Officer.

8. As per submissions of learned counsel for the appellants that the claim in respect of Gat No. 4 and Gat No. 19 is hereby waived.

9. So far as compensation towards fruit bearing trees is concerned, the matter is remanded back to that extent to the Reference Court to decide afresh after granting opportunity to both the parties.

10. In view of enhanced compensation, the appellants are entitled for consequential benefits.

11. The acquiring body to deposit the enhanced amount within six months before Reference Court.

(Smt. M.S. Jawalkar, J.)