



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 CIVIL APPLICATION NO. 13954 OF 2021

IN FA/3336/2021

WITH

CIVIL APPLICATION NO.13668 OF 2022

IN FA/3336/2021

WITH

CIVIL APPLICATION NO.13953 OF 2021

IN FA/3336/2021

THE EX. ENGINEER, HATNUR PROJECT CHOPDA NOW
OFFICE AT L.T.P.D. AMALNER

VERSUS

SUPADU CHAITRAM KOLI AND ORS

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Advocate for Applicant : Mr. Chillarge Subhash S.

AGP for Respondent-State : Mr. A. S. Shinde.

Advocate for respective Respondents : Mr. B. R. Warma
(Through V. C.)

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CORAM : S. G. MEHARE, J.

DATE : 05.03.2024

PER COURT :-

1. Heard the respective learned counsels.
2. There is a serious dispute about the existence of pomegranate trees on the land acquired.
3. Learned counsel for the appellant submits that when the first joint measurement of land was done after issuing the notification, there were no pomegranate trees. However, those

have been shown in the subsequent measurement and the Reference Court granted the compensation for those trees.

4. Learned counsel for the respondents submits that the joint measurement was done. That time, 800 such trees were found and the acquiring body never disputed it. Hence, they should be directed to deposit the entire amount of the impugned award.

5. Learned counsel for the appellant again submits that once the price of the land is given, there shall be no separate compensation for the trees.

6. Considering this disputed facts, the Court is not convinced that the appellant may be directed to deposit the entire compensation money. The appellant has deposited Rs.75,00,000/- (Rupees Seventy Five Lacs). At the most the appellant may be directed to deposit further Rs.25,00,000/- (Rupees Twenty Five Lacs). Hence, the following order :

ORDER

- (i) The application for stay is allowed by confirming the order dated 22.12.2021.

- (ii) The appellant shall deposit Rs.25,00,000/- with this Court within twelve (12) weeks from today.
- (iii) If the money is not deposited in a given time, the stay would be vacated automatically.
- (iv) There shall be no extension of time to deposit the money as directed.
- (v) Stand over after twelve weeks.

(S. G. MEHARE, J.)

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vmk/-