

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

CIVIL APPLICATION NO.9045 OF 2015 IN
FIRST APPEAL STAMP NO.17623 OF 2015

Executive Engineer, Irrigation
Project Majbutikaran Division, Omerga
and others ... APPLICANTS

VERSUS

Baburao Gyanba Kadam,
through L.Rs.
Mangalbai Baburao Kadam & ors. ... RESPONDENTS

.....
Shri A.N. Gaddime, Advocate for applicants
Shri A.B. Kale, Advocate for respondents
.....

CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.

DATED: 11th December, 2015.

ORAL ORDER :

1. Notice returnable on 5th February 2016. Mr. Kale,
learned counsel waives service for the respondents.

2. Mr. Kale, learned counsel for the respondents
(original claimants) has pointed out that the lands have been
taken in possession in 1999. The agriculturists took loan for
planting trees in the land and the amount due and payable to the

creditors runs in Crores of rupees. The Land Acquisition Officer granted meagre amount of compensation, which has been directed to be enhanced by the Reference Court by the judgment and order dated 21.2.2014. It is pointed out that, the Reference Court has not awarded anything towards the land value, however, has granted compensation towards the trees and other developments made in the land.

3. The number of trees allegedly planted in the agricultural lands appear to be prima facie excessive. However, it has been pointed out that the existence of the trees has not been disputed by the respondents. It is further pointed out by the counsel appearing for the respondents/ claimants that, due to financial constraints and since the lands were ancestral, the institution/ Bank who had lent amount for cultivation, were insisting for recovery, two agriculturists/ claimants from the family have committed suicide.

4. Taking into consideration the plight of the claimants, we direct the appellant/ acquiring body to deposit 50% of the amount of compensation as directed by the Reference Court under the award dated 21.2.2014 together with interest calculated till the date of filing of the appeal, within a period of eight weeks from today.

5. This direction is issued at the ad-interim stage subject to modification/ confirmation, while disposing of the Civil Application.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)

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