

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 310 OF 2001

The Special Land Acquisition
Officer, M.I.W., Jalgaon

.. Appellant
(Orig. Respondent)

VERSUS

Khetu Banu,
since deceased by his heir,
Pema Khetu Vanjari,
Age 43 years, Occu.: Farmer,
Resident of Khadaksim Tahsil Erandol,
Dist. Jalgaon

.. Respondent
(Orig. Petitioner)

WITH

FIRST APPEAL NO. 311 OF 2001

The Special Land Acquisition
Officer, M.I.W., Jalgaon

.. Appellant
(Orig. Respondent)

VERSUS

Deochand Mansaram Jogi,
Age 48 years, Occu.: Farmer,
Resident of Khadakesim Tahsil Erandol,
Dist. Jalgaon

.. Respondent
(Orig. Petitioner)

WITH

FIRST APPEAL NO. 312 OF 2001

The Special Land Acquisition
Officer, M.I.W., Jalgaon

.. Appellant
(Orig. Respondent)

VERSUS

Gurdal Mangtu Vanjari,
Age 63 years, Occu.: Farmer,
Resident of Khadaksim Tahsil Erandol,
Dist. Jalgaon

.. Respondent
(Orig. Petitioner)

WITH
FIRST APPEAL NO. 313 OF 2001

The Special Land Acquisition
Officer, M.I.W., Jalgaon

.. Appellant
(Orig. Respondent)

VERSUS

Ramji Kavarji Vanjari,
since deceased by L.R.s.
Kalibai W/o Ramji Vanjari,
Age 38 years, Occu.: Farmer,
Resident of Khadaksim Tahsil Erandol,
Dist. Jalgaon

.. Respondent
(Orig. Petitioner)

WITH
FIRST APPEAL NO. 315 OF 2001

The Special Land Acquisition
Officer, M.I.W., Jalgaon

.. Appellant
(Orig. Respondent)

VERSUS

Padma Fattu,
since dead by L.R.s.
Fattu Rupala Vanjari
Age 32 years, Occu.: Farmer,
Resident of Khadakesim Tahsil Erandol,
Dist. Jalgaon

.. Respondent
(Orig. Petitioner)

WITH
FIRST APPEAL NO. 316 OF 2001

The Special Land Acquisition
Officer, M.I.W., Jalgaon

.. Appellant
(Orig. Respondent)

VERSUS

Totaram Hira Vanjari,
Age 51 years, Occu.: Farmer,
Resident of Khadakeim Tahsil Erandol,
Dist. Jalgaon

.. Respondent
(Orig. Petitioner)

AND
FIRST APPEAL NO. 317 OF 2001

The Special Land Acquisition
Officer, M.I.W., Jalgaon

.. Appellant
(Orig. Respondent)

VERSUS

Prashram Nathu Vanjari,
Age 52 years, Occu.: Farmer,
Resident of Khadaksim Tahsil Erandol,
Dist. Jalgaon

.. Respondent
(Orig. Petitioner)

Mr. S.P. Daund, AGP for the appellant/State in all F.As
Mr. D.A. Naik, Advocate i/b. Mr. R.C. Patil, Advocate for the
respondents in all matters

CORAM : M.T. JOSHI, J.
DATE : 16/02/2015

ORAL JUDGMENT :

1. Heard both sides.
2. Present group of first appeals are regarding lands of village Khadkesim, Taluka - Erandol, Dist. Jalgaon while group of first appeals bearing first appeal nos. 335 of 2001, 336 of 2001, 337 of 2001, 338 of 2001, 339 of 2001, 340 of 2001 and 341 of 2001 are regarding lands of village Khadkesim, Taluka - Chalisgaon, Dist. Jalgaon. Therefore, both the groups

are de-tagged from each other.

3. Aggrieved by the direction of the learned Civil Judge, Senior Division, Jalgaon, to pay higher compensation than awarded by the Land Acquisition Officer in Land Acquisition Reference proceedings, the present appeals are preferred by the State.

4. The lands of the present respondents of village Khadkesim, Tq. Erandol, Dist. Jalgaon were acquired for preparation of Medium Irrigation tank. Notification under section 4 was issued on 12/10/1989. The Land Acquisition Officer offered price at the rate of Rs.119/- per Are. The reference Court increased the same to Rs.555/- per Are. Hence, the present appeals.

5. Learned A.G.P. submits that the learned reference Court has taken into consideration the sale instance at Exhibit 36 which is for 18 Are of land within the municipal limits of Erandol, though of the same period. In the circumstances, he submits that as the sale instance was not comparable to the acquired lands, the learned Judge ought to have dismissed the reference applications.

6. On the other hand, learned counsel for the respondents submits that the lands were within the vicinity of the lands sold under the sale instances and in the circumstances, he submits that no interference is warranted.

7. On the basis of this material, following point arises for my determination:-

. Whether the compensation awarded by the learned reference Court represents the true market value of the land ?

My finding to the said point is in the affirmative. The appeals are therefore dismissed without any order as to costs for the reasons to follow.

R E A S O N S

8. It should be noted that various lands of village Khadkesim, Tq. Erandol, Dist. Jalgaon were acquired for construction of the medium irrigation tank. Exhibit 46 i.e. award of the Land Acquisition Officer

would show that the lands of three places i.e. Khadakesim, Galapur and Erandol were acquired for the purpose of construction of medium irrigation tank. In the circumstances, the learned reference Court has taken into consideration the above sale instances of Erandol and finding that it was within the limits of Municipal Council, 25% deduction was made and 75% of the amount was accepted as the market value in the present cases.

9. When the higher of the sale instance is to be accepted and when admittedly the lands of the present respondents were in the vicinity of Erandol, then the compensation is to be fixed on the basis of estimate taking into consideration the material on record. In the present appeals, there is no scope for interference in the same. In the result, the following order:-

10. The first appeals are hereby dismissed without any order as to costs.

Sd/-
[M.T. JOSHI]
JUDGE

arp/