

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.468 OF 2013

1. The State of Maharashtra,
Through District Collector,
Latur

2. The Executive Engineer,
B. & C, Latur

...APPELANTS

(Orig. Respondents)

VERSUS

Shivaji s/o Vithal Dhotre,
Age: Major, Occu. Agriculture,
R/o. Latur, Tq. & Dist. Latur

...RESPONDENT
(Orig. Claimant)

Mr G. R. Ingole, Asstt. Govt. Pleader for appellants;
Mr S. V. Natu, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 3rd July, 2015

ORAL ORDER :

The present appeal is by the State Government and the acquiring body. The land of the respondent/original claimant was acquired for construction of air-strip at village Harangul, Taluka and District Latur.

2. Notification under section 4 was issued on 31st January, 1991 and award under section 11 of the Land Acquisition Act was declared on 6th March, 1993. 41 R land out of Block No.400, belonging to the

respondent/claimant was acquired. Having regard to the location of the land in question, i.e. in close proximity to M.I.D.C. area, consisting of more than 1500 Acres and a kilometer away from Latur – Barshi State high way, the respondent claimed market value of the acquired land at the rate of Rs.25 per Sq. ft.

3. In support of his claim before the Reference Court, the respondent/claimant has placed on record the documentary evidence in the form of an award Exh.25, “E” statement Exh.26, N.A. order Exh.27 sale instances Exhs.28, 29 and 30, certified copy of the judgment in L.A.R. No.1942 of 1990 Exh.31, certified copy of judgment in L.A.R. No.710 of 1991 Exh.32 and certified copy of the judgment delivered by the same Reference Court.

4. In support of his claim for enhancement of compensation, the respondent/claimant examined C.W.1 Shivaji, who has reiterated the claim and sought enhancement as prayed.

5. Based on the sale instances Exhs.28, 29 and 30, which pertain to the land from the same village and the decision of the Reference Court at Exhs.31 and 32, whereby compensation of Rs.5.00 and Rs.3.50 per Sq. ft. respectively was acquired for the same purpose, i.e. construction of air-strip, were brought on record.

6. In the light of the evidence, the Reference Court enhanced compensation at Rs.2 per Sq. ft., which is questioned on the ground that the same is without any basis and at an exorbitant rate.

7. Heard Mr Ingole, learned A.G.P. appearing on behalf of the appellants and Mr Natu, learned Counsel on behalf of the respondent.

8. It is noted that based on the sale instance produced on record by the respondent/claimant before the Reference Court at Exh.28, which pertains to plot in Block No.312, which was sold for Rs.2,000/-; the sale instance Exh.29 in regard to plot from Block No.294 from the same village, which was sold for a consideration of Rs.10,000/- and the sale instance Exh.30- which pertains to 86 R land out of Block No.107 which was sold for a consideration of Rs.2,00,000/- on 17th November, 1986, the learned Reference Court proceeded to enhance the compensation. In addition to above, the Reference Court has noted that the Reference Court, in other similar cases at Exhs.31 and 32 has awarded compensation of Rs.3.50 and Rs.5.00 per Sq. ft., respectively.

9. The fact that the location of the land acquired is in close proximity to the sugar factory, M.I.D.C. area and State Highway was also not disputed by the acquiring body by examining any other witness.

10. In the light of above, in my opinion, the impugned judgment and award is just and proper being based on record and thus, does not call for any interference.

11. The appeal thus fails and stands dismissed with no order as to costs.

12. In view of dismissal of First Appeal, Civil Application No.1083 of 2011 does not survive and stands disposed of.

(N.W. SAMBRE, J.)

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