

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

FIRST APPAL NO.625 OF 2001

The State of Maharashtra

..Appellant

Versus

1. Shri Dodhu Tukaram Diwane,
Age 45 years

2. Smt. Venubai w/o Dodhu Divane,
Age 38 years, Occu. Of both
Agriculture, R/o Vitner,
Taluka and District Jalgaon

..Respondents

- WITH -

FIRST APPEAL NO.626 OF 2001

The Special Land Acquisition
Officer, Jalgaon No.1, Jalgaon

..Appellant

Versus

Yadav Kalu Jadhav,
since deceased through L.Rs.

1. Vilas Hilal Jadhav, Age 32 years,
2. Sharad Hilal Jadhav, Age 26 years
3. Sumanbai Hilal Jadhav, Age 52 years,

All r/o Vitner, Taluka and Dist. Jalgaon

..Respondents

- WITH -

FIRST APPEAL NO.628 OF 2001

The Special Land Acquisition
Officer, Jalgaon No.1, Jalgaon

..Appellant

Versus

Chindhabai Janglu Jadhav,
Age 52 years, Occu. Farmer,
R/o Pachora, Taluka Pachora,
District Jalgaon

..Respondent

- WITH -

FIRST APPEAL NO.629 OF 2001

The Special Land Acquisition
Officer, Jalgaon No.1, Jalgaon ..Appellant

Versus

Vishwanath Rajaram Jadhav,
Age 40 years, Occu. Farmer,
R/o Vitner, Taluka and Dist.Jalgaon ..Respondent

- WITH -

FIRST APPEAL NO.630 OF 2001

The Special Land Acquisition
Officer, Jalgaon No.1, Jalgaon ..Appellant

Versus

1. Shantabai w/o Pandhari Giri,
Age 40 years,
 2. Nanabai Supadu Narwade,
Age 45 years
- Occupation of both Farmer,
R/o Vitner, Taluka & Dist.Jalgaon ..Respondents

- WITH -

FIRST APPEAL NO.631 OF 2001

The State of Maharashtra ..Appellant

Versus

Hanmanta Narhar Kulkarni,
Age 38 years, Occu. Agriculture
& Service,
R/o Vitner, Taluka & Dist. Jalgaon ..Respondent

Mr P.P. More, A.G.P. for appellants
Mr S.C. Swami, Advocate h/f Mr V.D. Gunale, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 30th July 2015

ORAL JUDGMENT

1. The present appellants by the State Government questioning the enhancement of compensation from Rs.10,000/- per hectare to Rs.40,000/- per hectare which was awarded by the Civil Judge, Senior Division, Jalgaon on 28th February 2000.

2. The appeals were admitted, however, no interim relief was granted in the present matter. As such, it is informed by learned A.G.P. that in the execution proceedings, the entire decree is satisfied.

3. With above referred background, this Court intend to proceed in the matter of entitlement of respondents-claimants to the enhanced compensation.

4. The reference Court framed issues at Exh.6 and while answering the said issues, has considered the decision given in other relevant land references. Apart from above, the oral evidence and the object for which the land in question was acquired was also appreciated.

5. The sale deed at Exh.16 was relied upon by the claimants through the evidence of Tukaram Patil at Exh.27. Having regard to the said sale instance, which was for 1 hectare 5 R land, sold for a consideration of Rs.80,000/- on 22nd September 1983, was taken into account for the purpose of calculating the claim. Even though the said sale instance is in relation to a land which is located about 3 Kms away, however, has proceeded to reduce the price of the land by 50% and has awarded compensation of Rs.40,000/- per hectare.

6. In my opinion, the findings recorded by the learned reference Court are in tune with the requirement of Section 18 of the Land Acquisition Act.

7. As such, no case for interference is made out. First Appeals fail, stand dismissed.

(N.W. SAMBRE, J.)

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