

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

**CIVIL APPLICATION NO. 2977 OF 2013
IN/WITH
FIRST APPEAL (ST) NO.1961 OF 2013**

The State of Maharashtra,
Through SLAO, Ahmednagar. ...Applicant

versus

Satish Rangnath Shevale,
Age: Major, Occ: Agri.,
R/o. Khopadi, Tq. Kopargaon,
Dist. Ahmednagar. ...Respondent

WITH

**CIVIL APPLICATION NO. 2964 OF 2013
IN/WITH
FIRST APPEAL (ST) NO.2007 OF 2013**

The State of Maharashtra,
Through SLAO, Ahmednagar. ...Applicant

versus

Bhagirathibai Dhondiram Verkar,
Age: Major, Occ: Agri.,
R/o. Khopadi, Tq. Kopargaon,
Dist. Ahmednagar. ...Respondent

WITH

**CIVIL APPLICATION NO. 2966 OF 2013
IN/WITH
FIRST APPEAL (ST) NO. 2011 OF 2013**

The State of Maharashtra,
Through SLAO, Ahmednagar. ...Applicant

versus

Suryabhan Trimbak Verkar
Age: Major, Occ: Agri.,
R/o. Khopadi, Tq. Kopargaon,
Dist. Ahmednagar & ors. ...Respondents

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WITH

**CIVIL APPLICATION NO. 2968 OF 2013
IN/WITH
FIRST APPEAL (ST) NO. 2030 OF 2013**

The State of Maharashtra,
Through SLAO, Ahmednagar.

...Applicant

versus

Rangnath Narayan Shevale,
Age: Major, Occ: Agri.,
R/o. Khopadi, Tq. Kopargaon,
Dist. Ahmednagar & anr.

...Respondents

WITH

**CIVIL APPLICATION NO. 2971 OF 2013
IN/WITH
FIRST APPEAL (ST) NO. 2026 OF 2013**

The State of Maharashtra,
Through SLAO, Ahmednagar.

...Applicant

versus

Babu Sakharam Tube (dead)
Through L.Rs. Nanasaheb Dagadu Tube,
Age: Major, Occ: Agri.,
R/o. Khopadi, Tq. Kopargaon,
Dist. Ahmednagar.

...Respondent

WITH

**CIVIL APPLICATION NO. 2973 OF 2013
IN/WITH
FIRST APPEAL (ST) NO. 2022 OF 2013**

The State of Maharashtra,
Through SLAO, Ahmednagar.

...Applicant

versus

Dhondiram Kharbhari Verkar
Age: Major, Occ: Agri.,
R/o. Khopadi, Tq. Kopargaon,
Dist. Ahmednagar.

...Respondent

WITH

**CIVIL APPLICATION NO. 2975 OF 2013
IN/WITH
FIRST APPEAL (ST) NO. 2017 OF 2013**

The State of Maharashtra,
Through SLAO, Ahmednagar.

...Applicant

versus

Ghorakha Rangnath Nawale,
Age: Major, Occ: Agri.,
R/o. Khopadi, Tq. Kopargaon,
Dist. Ahmednagar & ors.

...Respondents

.....
Mr. G.R. Ingole, A.G.P. for applicant/appellant

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CORAM : N.W. SAMBRE, J.

DATE : 15th JULY, 2015

ORAL ORDER :

For the reasons stated in the applications, delay of 1857 days caused in preferring the first appeals is condoned. The civil applications stand allowed.

2. The appeals are taken out for final disposal at admission stage.

3. Heard learned A.G.P. for the appellant. Present appeals

are directed against the award delivered by the Reference Court on 05/07/2007 in Land Acquisition References enhancing the compensation from Rs.697/- per Are as was awarded by the Land Acquisition Officer on 04/07/1997 to Rs. 1394/- per Are by the Reference Court.

4. A few facts, as are necessary for deciding the present appeals, are as under :

The land in question was acquired pursuant to the notification issued under Section 4 of the Land Acquisition Act on 28/07/1994.

5. The Special Land Acquisition Officer has made offer of Rs.697/- per Are for the lands in question, for which enhancement was claimed by the claimants @ Rs.1,50,000/- per Acre i.e. Rs. 1500/- per Are.

6. Land Acquisition Officer has allowed the claim, which is objected by learned A.G.P. on following grounds;

(a) that the enhancement granted is without any basis/in absence of any cogent evidence is not sustainable;

(b) fertility of the lands, irrigation facility and location of the land was not properly taken into account.

7. While considering the said contentions of the present appellant, this Court with the assistance of learned A.G.P., has gone through the entire observations made by the Reference Court. It is required to be noted that the claimant was examined at Exhibit-22, PW-2 Bhausahab at Exhibit-32, PW-3 Sukhdev at Exhibit-33 and PW-4 Shivnath at Exhibit-34. PW-2 and 3 have purchased the land at the relevant time, which is adjoining to the acquired land. PW-2 has purchased land from Gat No. 39/2 area 1 Hectore 84 Are on 02/07/1992 for a consideration of Rs. 90,000/- vide Exhibit-28 and PW-3 vide Exhibit-30 has purchased land admeasuring 1 Hectore 62 Are on 23/04/1993 for a consideration of Rs. 60,000/-.

8. PW-4 Shivnath, vide Exhibit-29 has purchased land admeasuring 1 Hectore 28 Are out of Gat No. 101/2 on 16/03/1993 for a consideration of Rs. 65,000/-. The above referred aspect was taken into account by the Reference Court as to form the basis for enhancement of compensation. Learned Land Acquisition Officer has entered into witness box and was examined at Exhibit-38 in support of award Exhibit-39. The sale and purchase transaction which were considered by Land Acquisition Officer are at Exhibit-40.

9. The Reference Court has noted that, the enhancement as claimed, which is based upon the sale transaction namely, Exhibits 28 to 31 has proceeded to enhance compensation considering the cost of land on which it was purchased by respective witnesses. Apart from this, the Reference Court has taken into account the difference in between period of sale deed and notification under Section 4 of the Land Acquisition Act.

10. The Reference Court has also applied its mind to the irrigation facility as is available.

11. In my opinion, the enhancement granted by the Reference Court is based on cogent evidence in the form of documentary and oral. No case for interference is made out. First Appeals fail, same stand dismissed.

12. In view of the dismissal of the first appeals, pending civil application for stay stand disposed of.

[N.W. SAMBRE, J.]