

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 566 OF 2001

Dadarao S/o Laxman Nagmode,
Age 42 years, Occu.: Agriculture,
r/o. Ambulga (BK),
Taluka Nilanga, Dist. Latur ..Appellant

VERSUS

The State of Maharashtra
Through The Collector,
Latur, Dist. Latur ..Respondent

WITH

FIRST APPEAL NO. 567 OF 2001

Sadhu S/o Zetinga Suryawanshi
Age 62 years, Occu.: Agriculture,
r/o. Ambulga (BK),
Taluka Nilanga, Dist. Latur ..Appellant

VERSUS

The State of Maharashtra
Through The Collector,
Latur, Dist. Latur ..Respondent

WITH

FIRST APPEAL NO. 568 OF 2001

Ramrao S/o Sambhaji Biradar,
Age 50 years, Occu.: Agriculture,
r/o. Ambulga (BK),
Taluka Nilanga, Dist. Latur ..Appellant

VERSUS

The State of Maharashtra
Through The Collector,
Latur, Dist. Latur

..Respondent

WITH

FIRST APPEAL NO. 569 OF 2001

Sudhakar Balwantrao Watne,
Age 50 years, Occu.: Agriculture,
r/o. Ambulga (BK),
Taluka Nilanga, Dist. Latur

..Appellant

VERSUS

The State of Maharashtra
Through The Collector,
Latur, Dist. Latur

..Respondent

WITH

FIRST APPEAL NO. 570 OF 2001

Tukaram S/o Sangram Suryawanshi,
Age 28 years, Occu.: Agriculture,
r/o. Ambulga (BK),
Taluka Nilanga, Dist. Latur

..Appellant

VERSUS

The State of Maharashtra
Through The Collector,
Latur, Dist. Latur

..Respondent

WITH

FIRST APPEAL NO. 571 OF 2001

Sheshrao S/o Sadashiv Birajdar,
Age 50 years, Occu.: Agriculture,
r/o. Ambulga (BK),

Taluka Nilanga, Dist. Latur ..Appellant

VERSUS

The State of Maharashtra
Through The Collector,
Latur, Dist. Latur ..Respondent

WITH

FIRST APPEAL NO. 572 OF 2001

Ganesh S/o Vishwanath Hulgute,
Age 34 years, Occu.: Agriculture,
r/o. Ambulga (BK),
Taluka Nilanga, Dist. Latur ..Appellant

VERSUS

The State of Maharashtra
Through The Collector,
Latur, Dist. Latur ..Respondent

WITH

FIRST APPEAL NO. 573 OF 2001

Goroba S/o Rayappa Suryawanshi,
Age 42 years, Occu.: Agriculture,
r/o. Ambulga (BK),
Taluka Nilanga, Dist. Latur ..Appellant

VERSUS

The State of Maharashtra
Through The Collector,
Latur, Dist. Latur ..Respondent

Mr. V.D.Hon, Senior Counsel with Mr.A.D. Shinde,
Advocate for appellant in all the First Appeals

Mr.S.P.Dound, AGP for respondent – State

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CORAM : M.T. JOSHI, J.
JUDGMENT RESERVED ON : MARCH 12, 2015
JUDGMENT PRONOUNCED ON : MARCH 30, 2015

ORAL JUDGMENT :

Heard both sides.

2] Aggrieved by grant of compensation lesser than claimed by the present appellants in the land acquisition reference proceedings, arising out of the same land acquisition proceeding, present appeals are preferred by the land owners.

3] The lands of the present appellants were acquired by the State for Peerwadi Ambulga percolation tank in pursuance of a common

notification under Section 4 of the Land Acquisition Act dated 23rd February, 1987. The Land Acquisition Officer has offered the price at the rate of Rs.15,000/- per Hectar. Present appellants claimed compensation at the rate of Rs.30,000/- per Hectar. Therefore, reference proceedings were filed.

4] Learned Reference Court, upon taking into consideration the material on record, awarded compensation at the rate of around Rs.24,000/- per Hectar relying on the certified copy of the judgment passed in Land Acquisition Reference No.423 of 1998 where, the date of notification was later i.e. 10th July, 1989 while, the notification under Section 4 of the Land Acquisition Act in the present proceedings was published on 23rd February, 1987. Hence, the present appeals.

5] Mr.Hon, learned Senior counsel instructed by

Mr.Shinde, learned counsel for the appellants, vehemently submitted that all the appellants have placed reliance on the sale instance from village Dhanegaon at Exhibit 52. It would show that 2 Acres and 32 Gunthas land i.e. around 1 Hectar and 12 Ares, was sold for a consideration of Rs.80,357/- on 17th April, 1986. He further submitted that the oral evidence on record would show that village Dhanegaon is at a distance of two and half kilometers from villages Ambulga and Hosur and therefore, necessary enhancement may be granted.

6] On the other hand, learned A.G.P. submitted that learned reference court has taken into consideration all the sale instances produced on record and the judgment passed in Land Acquisition Reference No.423 of 1998 and therefore, no fault can be found with the awards.

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

What is the true market price of the acquired lands ?

. My finding to the above point is as per the award passed by learned reference Court and the appeals are, therefore, dismissed for the reasons to follow.

R E A S O N S

8] It should be noted that learned reference court has not only taken into consideration the certified copy of Index - II regarding 63 sale instances from village Ambulga and Hosur i.e. the very same villages of which, lands were acquired, but also relied upon the judgment passed in Land

Acquisition Reference No.423 of 1998, as detailed supra. No doubt the sale instance at Exhibit 42 of village Dhanegaon would show higher price, however, the appellants have not filed on record any village map, Tahsil map etc. i.e. public documents, to show that the said village was at a distance of two and half kilometers from village Ambulga as orally deposed by one of the appellants. In that view of the matter, no fault can be found with the estimate arrived at by learned reference court.

9] In the result, all the First Appeals are dismissed without any order as to costs.

[M.T. JOSHI, J.]

kbp