

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

FIRST APPEAL (ST.) NO.3358 OF 2013

1. The State of Maharashtra,
through the Collector, Beed
 2. The Executive Engineer,
Minor Irrigation L.S. Division,
Beed, District Beed
- ..Appellants

Versus

1. Parasram s/o Yadav Lagad,
Age Major, Occu.Agriculture
 2. Gangubai w/o Parasram Lagad,
Age Major, Occu. Agriculture,
- Both R/o Hivra, Taluka Ashti,
District Beed
- ..Respondents

- WITH -

FIRST APPEAL (ST.) NO.3367 OF 2013

1. The State of Maharashtra,
through the Collector, Beed
 2. The Executive Engineer,
Minor Irrigation L.S. Division,
Beed, District Beed
- ..Appellants

Versus

1. Mahadev s/o Shamrao Lagad,
Age Major, Occu.Agriculture,
 2. Mhatardeo s/o Shamrao Lagad,
Age Major, Occu. Agriculture,
- Both R/o Hivra, Taluka Ashti,
District Beed
- ..Respondents

Mr P.P. More, A.G.P. for appellants

CORAM : N.W. SAMBRE, J.

DATE : 27th July 2015

PER COURT

1. The enhancement awarded by the reference Court in exercise of powers under Section 18 of the Land Acquisition Act by an order dated 4th January 2010 passed by the District Judge-2 is the subject matter of present appeal.

2. Heard Mr More, learned Assistant Government Pleader for appellants. He would urge that the enhancement granted by the reference Court is without any basis, as the land under the sale instances which are placed on record for consideration were not located in the close proximity to the land under acquisition and as such, sought setting aside of the judgment and order of the reference Court.

3. With the assistance of Mr More, I have perused the factual matrix and the evidence that is brought on record before the learned reference Court.

4. In the present case, Section 4 notification was issued on 22nd June 2000 and the award came to be passed on 29th February 2004 acquiring the land of the claimants/respondents for public purpose. Having not accepted the offer, the claimants/land owners sought enhancement of Rs.1,200/- per R relying upon certain sale instances, the cropping pattern and the irrigation facility etc.

5. In support of the claim, Mhatardeo examined himself at Exh.12 and the sale instance Exh.24 pertaining to land out of Survey

No.33/AA/7 for 54 R land dated 29th June 1999 for a consideration of Rs.60,000/- and the sale instance Exh.17 executed by Manohar and Vinayak on 20th August 2000 for a consideration of Rs.1 lac for 40-R land out of Survey No.37/A/1 which had irrigation facility were relied upon. The reference Court then proceeded to consider the said sale instances and upon analysis thereof, qua the location of the land that was acquired and owned by the respondents, concluded that it will be appropriate to enhance the compensation at the rate of Rs.1 lac per R, particularly having regard to the irrigation facility etc.

6. The reference Court while enhancing the compensation has taken into account the sale instances of the land which though are not very adjacent but are located in the same vicinity and then has analysed the market value of the land under acquisition.

7. The enhancement as is granted is based on sale instances Exh.24 and Exh.17.

8. The enhancement as is ordered to the tune of Rs.1,000/- per R and the considerations as are weighed vide sale deeds, as stated supra appear to be of the appropriate evaluation for forming the basis for enhancement.

9. As such, the appeals fail, stand dismissed.

(N.W. SAMBRE, J.)