

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

FIRST APPEAL NO. 273 OF 2002

The State of Maharashtra,
Through the Collector,
Osmanabad.

....Appellant.

Versus

1. Rajaram Pandhari Munde,
Age 50 years, Occu. Agri.,
R/o. Pawarwadi, Post. Warud,
Tq. Osmanabad.
2. Babruwahan s/o. Nana Munde,
Age 45 years, Occu. Agri.,
R/o. As above.
(Appeal is abated as R. 2 vide
order dated 15.7.2003 made by
Additional Registrar)
3. Raosaheb s/o. Laxman Sanap,
Age 40 years, Occu. Agri.,
R/o. As above.
4. Mahadeo s/o. Sambha Munde,
Age 42 years, Occu. Agri.,
R/o. As above.

....Respondents.

Mr. S.N. Morampalle, AGP for State.

WITH
FIRST APPEAL NO. 424 OF 2002

The State of Maharashtra,
Through the Collector,
Osmanabad.

....Appellant.

Versus

1. Bhandas s/o. Eknath Shinde,

Age 50 years, Occu. Agri.,
R/o. Pawarwadi, Post. Warad,
Tq. Osmanabad, Dist. O'bad.

....Respondents.

Mr. S.N. Morampalle, AGP for State.

Mr. L.L. Dharashive, Advocate for respondent sole.

CORAM : T.V. NALAWADE, J.

DATED : 15th December, 2015.

JUDGMENT :

1. First Appeal No. 273/2002 is filed against the judgment and award of LAR No. 441/1990, which was pending in the Court of Civil Judge, Senior Division, Osmanabad and the decision was given in reference filed under section 18 of the Land Acquisition Act. First Appeal No. 424/2002 is filed to challenge the judgment and award of the same Reference Court delivered in LAR No. 440/1991. As the amount awarded by the Land Acquisition Officer is increased upto Rs. 22,500/- per Acre, the State has filed the appeals. Both the sides are heard.

2. The Land Acquisition Officer had ascertained the market value on the basis of revenue assessment and quality of land. The owner gave evidence of sale instance though of adjoining village. The sale instance was of the year 1984. The notification under section 4 was published in year 1987 and the sale instance was older by three years. The Reference Court considered the distance between the two villages. The land

under sale instance was similar, Bagayat land and it was sold at the rate of Rs. 26,000/- per Acre. The Reference Court could have given increase of 10% per year, but he did not give the increase and it has given value of Rs. 26,000/- per Acre.

3. There is nothing in rebuttal to the aforesaid evidence given by the owner. The grievance of the State is that the claim was made that the value was atleast Rs. 25,000/- per Acre, but the Reference Court gave Rs. 26,000/- per Acre. The Reference Court has considered the provisions of Land Acquisition Act like section 25 and has held that it is not necessary for the owner to restrict his claim to any amount at the time of filing of the proceeding under section 18. Reference Court has referred the case of Karnataka High Court reported as **AIR 1993 Karnataka 197 [The Special Land Acquisition Officer Dharwad Vs. Kallangounda and Ors.]**. There is nothing wrong in this approach taken by the Reference Court and meager amount of enhancement is given.

4. In the result, both the appeals are dismissed.

[T.V. NALAWADE, J.]

SSC/