

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

**CIVIL APPLICATION NO. 4125 OF 2015  
IN  
FIRST APPEAL (ST.)NO. 4938 OF 2015**

The State of Maharashtra & ors. ...Applicants

versus

Bhaskar Ananda Tambe & anr. ...Respondents

WITH

**CIVIL APPLICATION NO. 4126 OF 2015  
IN  
FIRST APPEAL (ST.)NO. 4934 OF 2015**

The State of Maharashtra & ors. ...Applicants

versus

Dinkar Murlidhar Tambe ...Respondent

WITH

**CIVIL APPLICATION NO. 4128 OF 2015  
IN  
FIRST APPEAL (ST.)NO. 4942 OF 2015**

The State of Maharashtra & ors. ...Applicants

versus

Gorakhnath Sakahari Tambe & ors. ...Respondents

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

**CORAM : N.W. SAMBRE, J.**

**DATE : 10th JULY, 2015**

**ORAL ORDER :**

Heard learned A.G.P. for applicant-State.

2. For the reasons stated in the applications, delay caused in preferring the first appeals stand condoned. All civil applications are allowed.

3. All these appeals are taken out for final disposal at admission stage.

4. The lands in question were acquired pursuant to notification under Section 4 of Land Acquisition Act on 16/09/1999, whereas award was passed on 30/08/2001.

5. Reference Court enhanced compensation of Rs. 2,00,000/- per hector from Rs. 83,000/- per hector. As such present appeals.

6. Learned A. G. P., while inviting my attention to the observations made by the Reference Court would urge that, the appellant acquiring body has examined witness namely Dattatraya Deogaonkar, who deposed in relation to the quality of lands in question. According to the said witness, the land in question being

Jirayat was having market value of Rs. 83,000/- per hector. According to him, the said evidence is overlooked.

7. While analyzing the said contentions, it is noted that, on behalf of the claimants, the claimant has entered into witness box so as to demonstrate the lands in question are irrigated lands and claimants were harvesting Sugarcane, Bajra, Tomatoes, etc. i.e. cash crops.

8. In support of the contention that, they are entitled for enhancement, the claimants have relied upon the sale deeds Exhibit Nos. 22 and 23. On the aspect of the sale deeds, present appellant has cross examined original claimants, however, nothing was elicited from the said cross-examination as petitioners' claim before the Court below maintained their claim for enhancement.

9. It is required to be noted that, the sale deed Exhibit 22 is dated 28/04/1997, Exhibit 23 is dated 25/10/1989 are taken place prior to issuance of notification under section 4 i.e. 16/09/1999. In the said sale deeds for irrigated lands rate as is reflected is Rs. 4,00,000/- per hector. The entitlement of the claimants based on both the sale deeds Exhibit 22 and 23 was very much established by the claimants by bringing on record cogent evidence to that effect.

10. Based on the same, learned Reference Court has granted enhancement from Rs. 83,000/- to Rs. 2,00,000/- per hector.

11. In my opinion, no illegality could be noticed. The appeals fail, stand dismissed.

12. In view of dismissal of appeals, pending civil applications stand disposed of.

**[ N.W. SAMBRE, J. ]**