

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

FIRST APPEAL NO.1972 OF 2015

1. The Executive Engineer,
Beed Irrigation Division,
Beed, Taluka and District
Beed
 2. The State of Maharashtra
through Collector, Beed ..Appellants
- Versus
- Shaikh Sultan Shaikh Ibrahim ..Respondent

- WITH -

FIRST APPEAL NO.1971 OF 2015

1. The Executive Engineer,
Beed Irrigation Division,
Beed, Taluka and District
Beed
 2. The State of Maharashtra
through Collector, Beed ..Appellants
- Versus

- WITH -

FIRST APPEAL NO.1973 OF 2015

1. The Executive Engineer,
Beed Irrigation Division,
Beed, Taluka and District
Beed
 2. The State of Maharashtra
through Collector, Beed ..Appellants
- Versus
1. Sanjay Sitaram Veer,
Age major, Occu. Agri.,
 2. Milind Sitaram Veer,
Age major, Occu. Agri.

3. Mahindra Sitaram Veer,
Age major, Occu. Agri.,

All R/o Karchundi,
Taluka and District Beed

..Respondents

- WITH -

FIRST APPEAL NO.1974 OF 2015

1. The Executive Engineer,
Beed Irrigation Division,
Beed, Taluka and District
Beed

2. The State of Maharashtra
through Collector, Beed

..Appellants

Versus

1. Shaikh Rahim Shaikh Husen
died, through his L.Rs.

- 1a. Shaikh Hafija Shaikh Rahim,
Age 80 years, Occu. Household

- 1b. Shaikh Hanifa Sayyed Gaffur,
Age 65 years, Occu. Household

- 1c. Shaikh Habiba Shaikh Chandpasha,
Age 60 years, Occu. Household

- 1d. Shaikh Dastagir Shaikh Rahim,
Age 45 years, Occu. Agri.,

All R/o Karchundi,
Taluka and District Beed

..Respondents

Mr Ruturaj Patil, Advocate for appellant No.1

Mr P.P. More, A.G.P. for appellant No.2

Mr Ramraje A. Deshmukh, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 12th August 2015

PER COURT

1. With the consent, these appeals are taken up for final disposal at this stage.
2. These appeals are by the acquiring body questioning the enhancement granted by the reference Court in exercise of powers under Section 18 of the Land Acquisition Act (hereinafter referred to as 'the Act' for brevity).
3. Learned Counsel for the appellants Mr Patil has raised a contention that the reference Court has awarded exorbitant compensation.
4. So far as the above referred contention is concerned, it is required to be noted that the land in question was acquired for irrigation purpose, which is situated at village Karchundi, Taluka Ashti, District Beed.
5. The Section 4 notification was published on 5th May 2005 and the award came to be passed on 10th July 2006. The possession of the land was taken prior to issuance of Section 4 notification, i.e. on 30th December 2004.

6. The Special Land Acquisition Officer has awarded compensation at the rate of Rs.345/- to Rs.575/- per R. The enhancement of which was sought at the rate of Rs.1,60,000/- per acre.

7. In support of the claim for enhancement, the claimants have examined the witness Shaikh Kausar, who is petitioner in Land Acquisition Reference No.277 of 2008. The said witness has deposed in support of enhancement. He has deposed as regards the quality, fertility, potentiality and yielding capacity of the land. He has also relied upon the sale instances which were produced at Exhibits 15/1 to 15/5 which according to him, are germane for considering the cause for enhancement. The reference Court has proceeded to consider the claim for enhancement in the light of the evidence that was brought on record and has noted that the claimants' witness has deposed that the land in question had an irrigation facility. The reference Court as against the claim of Rs.4,000/- per R as per the sale instances, has considered the location of the land, the date of sale instances and that of Section 4 notification and has proceeded to award the compensation at the rate of Rs.2,800/- per R for seasonal irrigated land, Rs.2,100/- per R for Jirayat land and Rs.1050/- per R for Pot Kharab land. So far as the above referred enhancement is concerned, the same is granted by the reference Court based upon the sale instances and certain guess work which is permissible in law.

8. No illegality could be noticed. As such, the enhancement granted appears to be just and proper.

9. No case for interference is made out. Appeals fail, stand dismissed.

(N.W. SAMBRE, J.)

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