

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

FIRST APPEAL ST.NO.5558 OF 2015

1. The State of Maharashtra
 2. The Executive Engineer,
Minor Irrigation Department,
Local Sector Division No.1,
Ahmednagar
- ..Appellants

Versus

- Dashrath Baburao Auti
Age Major, Occu.Agriculture
R/o Gaikwas Mala, Parner,
Taluka Parner, Dist.Ahmednagar
- ..Respondent

- WITH -

FIRST APPEAL ST.NO.5555 OF 2015

1. The State of Maharashtra
 2. The Executive Engineer,
Minor Irrigation Department,
Local Sector Division No.1,
Ahmednagar
- ..Appellants

Versus

- Chandrakant Patilba Auti,
Age Major, Occu. Agriculture,
R/o Gaikwad Mala, Parner,
Taluka Parner, Dist.Ahmednagar
- ..Respondent

Mr S.P. Daund, A.G.P. for appellants

CORAM : N.W. SAMBRE, J.

DATE : 17th April 2015

PER COURT

1. Since the delay caused in filing the appeals is condoned, these appeals are taken out for hearing.
2. It is noticed that the present appeals are against the award delivered by the Reference Court under Section 18 of the Land Acquisition Act.

3. Learned Assistant Govt. Pleader, while questioning the legality of the enhancement would urge that the enhancement granted to the extent of Rs.60,000/- per hectare for agricultural land is exorbitant.

4. With the assistance of learned Assistant Govt. Pleader, I have gone through the evidence and the findings recorded by learned Reference Court. In the present case, the land in question was acquired for percolation tank by issuing Notification under Section 4 of the Land Acquisition Act on 22nd January 1998.

5. Learned Reference Court has considered the price of the lands based on its quality, viz. irrigated land or non-irrigated land, dry crop land and jirayat land, as was done by the Special Land Acquisition Officer.

6. The Reference Court, while considering the issues which were framed by it, has noticed that the Special Land Acquisition Officer had considered the assessment, which remained unchanged for century. The Reference Court has also taken into account the mode of cultivation of the land, the nature of crop, the facilities available in the land under acquisition and ordered enhancement of compensation. The enhancement as is ordered could be noticed from the tables which are reflected in the award delivered by the Reference Court at page 41, 42 and 43.

7. In my opinion, the Reference Court has taken into account the award which was produced at Exh.15, evidence of witness at Exh.11. The Reference Court has discussed the contents of the award which was placed before it and as such ordered enhancement.

8. In view of the reasons recorded by the Reference Court, upon appreciation of pleadings and evidence brought before it, in my opinion, the enhancement granted is reasonable. No case for interference is made out. The appeals stand dismissed.

(N.W. SAMBRE, J.)

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