

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

FIRST APPEAL NO.757 OF 2013

1. The State of Maharashtra
Through The Collector, Latur
 2. The Sub Divisional Officer and
Land Acquisition Officer,
Karadkhel, District Latur
- ..Appellants
- Versus
- Shyamrao s/o Damodar Joshi,
Age 44 years, Occu.Agriculture,
R/o Karadkhel, Taluka Udgir,
District Latur
- ..Respondent

- with -

FIRST APPEAL NO.758 OF 2013

1. The State of Maharashtra
Through The Collector, Latur
 2. The Sub Divisional Officer and
Land Acquisition Officer,
Karadkhel, District Latur
- ..Appellants
- Versus
1. Devidasrao s/o Babacharya Joshi,
died on 29.10.2001, through his L.Rs.
 - 1A. Smt.Rajani w/o Devidasrao Joshi
Age 62 years, Occu. Household
 - 1B. Sow. Jaishree d/o Devidasrao Joshi,
Age 40 years, Occu. Household
 - 1C. Mahendra s/o Devidasrao Joshi,
Age 35 years, Occu. Agri.,
 - 1D. Jitendra s/o Devidasrao Joshi,
Age 33 years, Occu. Agri.,

1E. Nitin s/o Devidasrao Joshi,
Age 30 years, Occu. Agri.,

All R/o Karadkhel, Taluka Udgir,
District Latur

..Respondents

Mr G.R. Ingole, A.G.P. for appellants
Mr S.S. Rathi, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 29th July 2015

PER COURT

1. The enhancement awarded under Section 18 of the Land Acquisition Act in L.A.R.Nos.232 of 2004 and 151 of 2004 is subjected to challenge in the present appeals on the ground of exorbitant enhancement, by the acquiring body and the State Government.

2. Mr Ingole, learned A.G.P. would urge that the enhancement from Rs.60,600/- per hectare as awarded by the Special Land Acquisition Officer to that of Rs.13/- per square feet by the reference Court is without any basis and as such, prayed for setting aside the judgment delivered by the reference Court. Learned Counsel for the respondents Mr Rathi supports the judgment delivered by the reference Court.

3. With the assistance of learned Counsel, I have perused the record and proceedings. It is noted that Section 4 notification in the present case was issued on 3rd July 1997 for acquiring the land of the claimants for the purpose of extension of gaathan. The Special Land Acquisition Officer has granted Rs.60,600/- per hectare which was found to be inadequate and as

such, the claimants preferred references for enhancement under Section 18 of the Act, seeking enhancement at the rate of Rs.30/- per square feet. The said amount of compensation at the rate of Rs.30/- was sought to be justified by examining witness Mahendra at Exh.17 and Govind at Exh.18. The acquiring body has not examined any witness in their support.

4. The reference Court then has proceeded to evaluate the evidence and noted that the land in question is non-agricultural. The land is situated abutting to State highway to Latur-Udgir highway. The said fact is not disputed as is apparent from the award and map placed on record by the claimants.

5. The said fact also can be gathered from the purpose for which the land was acquired. The reference Court has proceeded to consider the amenities as are available in the vicinity and considered the sale deed Exh.14 which is a small piece of land situated at village Her, Taluka Udgir, District Latur. Learned Counsel for the respondents has drawn attention of this Court to the copy of map which was attached with the reference so as to demonstrate that the land of the claimants is in the same vicinity qua the sale deed Exh.14.

6. In view of above, the reference Court has observed that the acquired land is adjacent to the land covered under the sale deed Exh.14.

7. The reference Court then has noted that the sale instance cited supra depicts the cost of the land at the rate of Rs.180,67 ps per square meter and after deducting the development charges, has fixed the price of the land at the rate of Rs.13/- per square feet.

8. The reference Court considered the amount of compensation at the rate of Rs.13/- per square feet is based on the evidence of sale deed, location of land, the sale instance Exh.14.

9. The enhancement, in my opinion, awarded by the reference Court is just and proper.

10. As such, no case for interference is made out. The appeals fail, stand dismissed.

(N.W. SAMBRE, J.)

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