

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

FIRST APPEAL (STAMP) NO.6344 OF 2012

1. The State of Maharashtra,
through Collector, Latur
 2. The Executive Engineer,
Minor Irrigation, Z.P. Division,
Latur
- ..Appellants

Versus

- . Vishnudas s/o Nivarti Gude,
Age 40 years, Occu. Agri.,
R/o Raiwadi, Taluka Ahmedpur,
District Latur
- ..Respondent

Mr P.P. More, A.G.P. for appellants

CORAM : N.W. SAMBRE, J.

DATE : 27th July 2015

PER COURT

Heard.

2. Mr More, learned Assistant Government Pleader would urge that the evidence that was placed on record was not appropriately appreciated by the reference Court, as according to him, the sale instances, which are placed on record were not adequate to enhance the compensation.

2. Section 4 notification in the present case came to be issued on 21st November 1985.

3. The land in question was acquired for public purpose and the Land Acquisition Officer has awarded compensation at the rate of Rs.10,000/- per hectare.

4. The enhancement was sought based on certain sale instances. Out of the total land 1 hectare 57-R land of the appellant from village Raiwadi came to be acquired.

5. The claimant in support of his claim was examined at Exh.21 and the appellant herein has not adduced any evidence.

6. The reference Court has proceeded to enhance the compensation upon evaluating the documentary evidence i.e. 7/12 Exh.17, sale deeds at Exhs.18 and 19.

7. So far as the sale deed dated 15th February 1985 of Survey No.25 is concerned, same pertains to 40-R land (1 acre), which was sold for a total consideration of Rs.17,500/-.

8. Based on the same, the enhancement as is claimed in the present case came to be granted.

9. Having regard to the quantum of enhancement which is Rs.30,000/- hectare from Rs.10,000/- per hectare awarded by the reference Court, it will not be appropriate to disturb the findings given by the reference Court.

10. As such, appeal fails, stands dismissed.

(N.W. SAMBRE, J.)

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