

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

**FIRST APPEAL (ST) NO 6676 OF 2012  
WITH  
CIVIL APPLICATION NO. 4580 OF 2012**

1. The State of Maharashtra,  
Through District Collector,  
Latur, Dist. Latur
  2. The Executive Engineer,  
Minor Irrigation Division,  
Latur
- ...Appellants

versus

Laxman s/o Irrappa Kapse,  
Age: 45 years, Occ: Agri.,  
R/o. Karepur, Tq. Renapur,  
Dist. Latur

...Respondent

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

.....

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

**DATE : 22nd JULY, 2015**

**ORAL ORDER :**

Heard.

2. The land in question, pursuant to the notification under Section 4 of the Land Acquisition Act, dated 20/10/1994 was acquired and award under Section 11 of the Land Acquisition Act came to be passed on 04/07/1997.

3. The offer as was made by the Land Acquisition Officer since was not accepted, Reference under Section 18 of the Land Acquisition Act came to be preferred before the Reference Court and the Reference Court allowed the Reference for enhancement by fixing market price of acquired land to the tune of Rs. 1,00,000/- per Hecter on the date of notification under Section 4 of the Land Acquisition Act i.e. 20/10/1994.

4. Learned A.G.P. for the appellants, while questioning the legality of enhancement granted by the Reference Court, would urge that the sale instances which were taken into account were not from the village from which the land in question was acquired. According to him, the land in question was acquired from village Karepur, whereas the sale instances, which were taken into account, were from village Yeshwantwadi and village Sarola.

5. While considering the above referred contentions, it is required to be noted that Exhibit-23 is the sale deed of the land from village Sarola for 14 Are, which was sold for Rs.15,000/- on 16/10/1991. Exhibit-24 is the sale deed of the land from village Yeshwantwadi for 1 Hecter 74 Are from Block No. 172, which was sold for Rs.1,98,000/- on 15/02/1994 i.e. Rs.1,13,793/- per Hecter. Another sale deed at Exhibit-25, by which Bhagwan Chavan

purchased 1 Hectore 21 Ares from Baburao Deshmukh out of Block No. 174 of village Yeshwantwadi for a consideration of Rs.1,00,000/- i.e. Rs. 86,445/-per Hectore. Reference Court then noted that notification under Section 4 of the Land Acquisition Act was published in official gazette on 20/10/1994 and proceeded to analyze the sale instances at Exhibits-23 to 25. While considering sale instances that were brought on record, particularly in regard to sale instance at Exhibit-25, the Reference Court proceeded to analyze and reached to the conclusion that the enhancement to the extent of Rs.1,00,000/- can be granted.

6. It appears from the contentions as are sought to be raised by learned A.G.P. that sale instances were from different villages though appears to be correct, however, what prevail upon the Reference Court was that there is Group Grampanchayat of Yeshwantwadi and Karepur and as such, the Reference Court has rightly considered the sale instances from village Karepur. Apart from above, while considering the sale instances, the Reference Court was alive to the cropping pattern and the income from said sources.

7. As such, the enhancement to the extent of Rs.56,700/- ordered in favour of the respondents-claimants, in my opinion, is just

and proper. No case for interference is made out. The appeal fails, same stands dismissed. Consequently, civil application for stay stands disposed of.

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