

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

FIRST APPEAL ST.NO.7028 OF 2014

1. The State of Maharashtra
through The Special Land
Acquisition Officer, Krishna
Khore Vikas Mahamandal,
Collector office, Aurangabad
 2. The Executive Engineer,
(Minor Irrigation), Local Sector,
Aurangabad
- ..Appellants

Versus

Harnaji Devrao Jaywal (died),
through his L.Rs.

1. Nagorao Harnaji Jaywal,
Age 65 years, Occu.Agri.,
 2. Dadarao Harnaji Jaywal,
Age 63 years, Occu. Agri.,
 3. Tejrao Harnaji Jaywal,
Age 61 years, Occu. Agri.,
 4. Sou.Vithabai Baburao Pathare,
Age 60 years, Occu. Agri.,
- All R/o Kaygaon, Taluka Sillod,
District Aurangabad
- ..Respondents

- WITH -

FIRST APPEAL ST.NO.6998 OF 2014

1. The State of Maharashtra
through The Special Land
Acquisition Officer, Krishna
Khore Vikas Mahamandal,
Collector office, Aurangabad
 2. The Executive Engineer,
(Minor Irrigation), Local Sector,
Aurangabad
- ..Appellants

Versus

1. Nagorao Harnaji Jaywal,
Age 65 years, Occu.Agri.,
2. Dadarao Harnaji Jaywal,
Age 63 years, Occu. Agri.,
3. Tejrao Harnaji Jaywal,
Age 61 years, Occu. Agri.,

All R/o Kaygaon, Taluka Sillod,
District Aurangabad

..Respondents

Mr S.P. Daund, A.G.P. for appellants
Mr N.R. Thorat, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 17th April 2015

PER COURT

1. Since delay caused in preferring the present appeals is condoned, these appeals are taken up for hearing.
2. Both these appeals are against the award delivered by the Reference Court under Section 18 of the Land Acquisition Act granting enhancement from Rs.505/- per R to Rs.3,000/- per R in relation to lands which were acquired for construction of percolation tank. The additional compensation was also ordered to be paid for the trees.
3. The learned A.G.P. has strenuously urged that the compensation as ordered is at exorbitant rate. If the submissions of learned A.G.P. are tested in the light of issues framed and the evidence adduced, it is required to be noted that the Special Land Acquisition Officer, while awarding compensation at the rate of Rs.509/- per R has considered

the land as dry crop land whereas based on the documents, particularly sale-deed Exh.19, the final award Exh.20/1, *Vivaran-Patra* details Exh.20/2 and as per available ready reckoner, the Reference Court proceeded to award Rs.3,000/- per R i.e. enhancement by Rs.2,500/- per R. The land owners have also examined an expert at Exh.25 so as to establish payment of compensation for the trees. Though the said expert was examined, the reference Court, having regard to the fact that the claim for more compensation to be payable for the trees in question was not satisfied, has reduced 25% *ad valorem* from the compensation to be paid for trees.

4. It is noted that the compensation awarded by the Reference Court appears to be based on the established evidence by the claimants.

5. In view thereof, in my opinion, no case for interference is made out. First Appeals being devoid merit, stand dismissed.

(N.W. SAMBRE, J.)

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