

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

FIRST APPEAL NO. 960 OF 2003

1. The State of Maharashtra,
through the Spl. Land Acquisition
Officer, (I) Upper Tapi Project,
(Hatnur) Jalgaon.
2. The Executive Engineer,
Waghur Project, Jalgaon. .. Appellant

Versus

Smt. Meera Prabhakar Deshpande,
Age : 42 Years, Occu. : Agril.,
R/o Bhusawal, Tq. Bhusawal,
Dist. Jalgaon. .. Respondents

**WITH
FIRST APPEAL NO. 958 OF 2003**

1. The State of Maharashtra,
through the Spl. Land Acquisition
Officer, (I) Upper Tapi Project,
(Hatnur) Jalgaon.
2. The Executive Engineer,
Waghur Project, Jalgaon. .. Appellant

Versus

1. Tejabai Atmaram Chinchole,
Age : 55 Years, Occu. : Agril.,

2. Shivaji Atmaram Chinchole,
Age : 25 yrs. Occu. : Agril.,

R/o Shingayat, Tq. Jamner,
Dist. Jalgaon.

.. Respondents

**WITH
FIRST APPEAL NO. 959 OF 2003**

1. The State of Maharashtra,
through the Spl. Land Acquisition
Officer, (I) Upper Tapi Project,
(Hatnur) Jalgaon.

2. The Executive Engineer,
Waghur Project, Jalgaon.

.. Appellant

Versus

Sitaram Supadu Chindhole,
Age : 65 Years, Occu. : Agril.,
R/o Shingayat, Tq. Jamner,
Dist. Jalgaon.

.. Respondents

**WITH
FIRST APPEAL NO. 961 OF 2003**

1. The State of Maharashtra,
through the Spl. Land Acquisition
Officer, (I) Upper Tapi Project,
(Hatnur) Jalgaon.

2. The Executive Engineer,
Waghur Project, Jalgaon.

.. Appellant

Versus

Thagubai Chavdas Koli
Age : 65 Years, Occu. : Agri.,
R/o Khadgaon, Tq. Jamner,
Dist. Jalgaon.

.. Respondents

**WITH
FIRST APPEAL NO. 962 OF 2003**

1. The State of Maharashtra,
through the Spl. Land Acquisition
Officer, (I) Upper Tapi Project,
(Hatnur) Jalgaon.

2. The Executive Engineer,
Waghur Project, Jalgaon.

.. Appellant

Versus

Purushottam Devidas Joshi,
Age : 70 Years, Occu. : Agri.,
R/o Shingayat, Tq. Jamner,
Dist. Jalgaon.

.. Respondents

**WITH
FIRST APPEAL NO. 963 OF 2003**

1. The State of Maharashtra,
through the Spl. Land Acquisition
Officer, (I) Upper Tapi Project,
(Hatnur) Jalgaon.

2. The Executive Engineer,
Waghur Project, Jalgaon.

.. Appellant

Versus

Dashrath Zipru Choudhari,
Age : 57 Years, Occu. : Agri.,
R/o Khatgaon, Tq. Jamner,
Dist. Jalgaon.

.. Respondents

**WITH
FIRST APPEAL NO. 964 OF 2003**

1. The State of Maharashtra,
through the Spl. Land Acquisition
Officer, (I) Upper Tapi Project,
(Hatnur) Jalgaon.

2. The Executive Engineer,
Waghur Project, Jalgaon.

.. Appellant

Versus

Bhimrao Tukaram Shewalkar,
Age : 53 Years, Occu. : Agri.,
R/o Shingayat, Tq. Jamner,
Dist. Jalgaon.

.. Respondents

**WITH
FIRST APPEAL NO. 965 OF 2003**

1. The State of Maharashtra,
through the Spl. Land Acquisition
Officer, (I) Upper Tapi Project,
(Hatnur) Jalgaon.

2. The Executive Engineer,
Waghur Project, Jalgaon.

.. Appellant

Versus

Dinkar Sitaram Choudhari,
Age : 48 Years, Occu. : Agri.,
R/o Shingayat, Tq. Jamner,
Dist. Jalgaon.

.. Respondents

Shri D. V. Tele, A.G.P. for Appellants/State in all matters.
Shri A. B. Kale, Advocate for the Respondent in all matters.

CORAM : S. V. GANGAPURWALA, J.
DATE : 30TH SEPTEMBER, 2015.

ORAL JUDGMENT :-

. The lands in all these matters are acquired for Waghur project. The notification U/Sec. 4 of the Land Acquisition Act (for short "L.A. Act") was issued on 21.08.1997. The claimants being dissatisfied with the amount of compensation awarded by the Special Land Acquisition Officer had filed references U/Sec. 18 of the L. A. Act. The said references are partly allowed. The State has challenged the said award in the present appeals.

2. The learned Assistant Government Pleader submit that, while enhancing the compensation amount to Rs. 2,00,000/- per hector for Jirayat land and Rs. 4,00,000/- for Bagayat land the Reference Court has relied on a single sale deed wherein 50R land was sold for Rs. 1,25,000/-. According to the learned A. G. P., though the said sale deed is in respect of land from the same village, there is nothing on record to show that the acquired lands and the land under sale deed are similarly situated. No evidence of such sort is led before the Court, nor is discussed by the Reference Court. According to the learned A. G. P. the S.L.A.O. had made nine groups and had properly awarded compensation amount.

3. I have considered the submissions. I have gone through the Record and Proceedings, so also the judgment delivered by the Reference Court. The land under sale deed is from the same village as that of the acquired lands. It is also not in respect of small area. The said sale deed is in respect of area 1 Acre 10 Guntha which was sold for Rs. 1,25,000/-. The land under sale deed was also jirayat land and the said transaction is dated 16.01.1996 i. e. one and half year prior to the notification U/Sec. 4 dated 21.08.1997. The Court has rightly considered the same. The valuation in respect of trees is also considered.

4. Considering the above, no error has been committed by the Reference Court while awarding the compensation amount. The first appeals as such are dismissed. No costs.

Sd/-

[S. V. GANGAPURWALA, J.]