

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

**FIRST APPEAL NO 2213 OF 2014
WITH
CIVIL APPLICATION NO. 6627 OF 2014**

The State of Maharashtra,
Through the Collector, Latur.

...Appellant

versus

1. Venkat s/o Khanderao Biradar, Age: 29 years,
Occ: Agri.,R/o. Nagalgaon, Tal. Udgir, Dist. Latur.
2. The Executive Engineer,
Minor Irrigation (Zilla Parishad), Latur.

...Respondents

**WITH
FIRST APPEAL NO 2212 OF 2014
WITH
CIVIL APPLICATION NO. 6633 OF 2014**

The State of Maharashtra,
Through the Collector, Latur.

...Appellant

versus

1. Venkat s/o Annarao Patil, Age:42 years,
Occ: Agri.,R/o. Nagalgaon, Tal. Udgir, Dist. Latur.
2. The Executive Engineer,
Minor Irrigation (Zilla Parishad), Latur.

...Respondents

**WITH
FIRST APPEAL NO 2214 OF 2014
WITH
CIVIL APPLICATION NO. 6635 OF 2014**

The State of Maharashtra,
Through the Collector, Latur.

...Appellant

versus

1. Deelip s/o Annarao Patil, Age: 36 years,
Occ: Agri.,R/o. Nagalgaon, Tal. Udgir, Dist. Latur.
2. The Executive Engineer,
Minor Irrigation (Zilla Parishad), Latur.

...Respondents

**WITH
FIRST APPEAL NO 2215 OF 2014
WITH
CIVIL APPLICATION NO. 6637 OF 2014**

The State of Maharashtra,
Through the Collector, Latur. ...Appellant

versus

1. Khandu s/o Nivrutti Biradar,
Age: 55 years, Occ: Agri.,
R/o. Nagalgaon, Tal. Udgir,
Dist. Latur.
2. The Executive Engineer,
Minor Irrigation (Zilla Parishad),
Latur. ...Respondents

**WITH
FIRST APPEAL NO 2216 OF 2014
WITH
CIVIL APPLICATION NO. 6629 OF 2014**

The State of Maharashtra,
Through the Collector, Latur. ...Appellant

versus

1. Kusumbai w/o Khanderao Biradar,
Age: 46 years, Occ: Agri.,
R/o. Nagalgaon, Tal. Udgir,
Dist. Latur.
2. The Executive Engineer,
Minor Irrigation (Zilla Parishad),
Latur. ...Respondents

**FIRST APPEAL NO 2217 OF 2014
WITH
CIVIL APPLICATION NO. 6631 OF 2014**

The State of Maharashtra,
Through the Collector, Latur. ...Appellant

versus

1. Govind s/o Annarao Patil,
Age: 41 years, Occ: Agri.,

R/o. Nagalgaon, Tal. Udgir,
Dist. Latur.

2. The Executive Engineer,
Minor Irrigation (Zilla Parishad),
Latur. ...Respondents

.....
Mr. P.P. More, A.G.P. for appellants
Mr. G.K. Sontakke, Advocate for respondent No. 1
Mr. S.S. Manale, Advocate for respondent No. 2
.....

CORAM : N.W. SAMBRE, J.

DATE : 22nd JULY, 2015

ORAL ORDER :

Heard.

2. Present appeals are by the State Government, questioning the enhancement granted @ Rs.16,000/- as against one award by the Land Acquisition Officer @ Rs. 505/- and Rs.565/- per Are.

3. Learned Reference Court enhanced compensation to Rs.1600/- per Are and Rs.3200/- per Are depending upon irrigation facilities available.

4. The land in question was acquired for construction of percolation tank.

5. Learned A.G.P., while questioning the legality and validity of the enhancement, would urge that the enhancement is granted at exorbitant rate and sale instance that is taken into account is from some different village.

6. With the assistance of learned Counsel for the claimants, I have perused observations made by the Reference Court and analysis made thereto. It is required to be noted that as against the claim of Rs.3,00,000/- per acre, the enhancement that is granted is keeping in to account the sale instance at Exhibit-15. Leave apart, the claimants while trying to establish the enhancement of claim, have brought to the notice of the Court the population of the village, from which land was acquired was around 7000 and same is situated at the distance of 4 to 5 kms. from Udgir, which is market place. Apart from this, it is stated that Co-operative Society, Grampanchayat, Post Office, School, Transportation, telephone exchange were available to their village. Apart from this, it is claimed sugar factory was at Nagalgaon. According to the claimants, they were getting income of Rs.30,000/- to 40,000/- per year excluding cultivation expenses.

7. The enhancement was objected by the appellant by filing written statement at Exhibit-8, wherein it was pointed that the

enhancement as is sought is without any basis and Land Acquisition Officer has passed order awarding compensation under Section 11 of the Land Acquisition Act based on the evidence and factual matrix of the matter.

8. It is required to be noted that the Reference Court has proceeded to award compensation at enhanced rate.

9. Even if this Court perused the sale instance dated 0/06/2002 at Exhibit-15, it is required to be noted that the land admeasuring 22 Are out of Block No. 28/1 and land admeasuring 60 Are from Block No. 31, total area 82 Are was purchased by Shivaji Tulshiram Biradar for a consideration of Rs. 2,05,000/- i.e. Rs.2500/- per Are.

10. It is further required to be noted that the copy of the said sale deed was produced on record, which was analyzed and accepted by the Reference Court pursuant to provisions of Section 51A of the Land Acquisition Act. It is further required to be noted that the Reference Court, considering the location of the land mentioned in Exhibit-15 which is surrounded by water stream, has noted high fertility of the the said land and as such, noted that the purchaser might have paid at least 30% extra amount than that of market price.

After deducting 30% of the amount, the Reference Court has fixed the value of the land in question to Rs.70,000/- i.e. Rs. 1750/- per Are.

11. Apart from above, the Reference Court has taken into account the facilities as are attached to the land in question i.e. agriculture and non-agriculture and as such, proceeded to award enhancement to Rs.1600/- per Are for dry crop land and Rs.3200/- per Are for irrigated land. In my opinion, the enhancement as is granted is based on sale instance, which was properly appreciated by the Reference Court, pursuant to the provisions of Section 51A of the Land Acquisition Act. Apart from above, the fertility of land that was taken into consideration by the Reference Court and deduction to the extent of 30% from sale price was adjusted by the Reference Court.

12. No case for interference is made out. As such, appeals fail, same stands dismissed. Consequently, civil applications are disposed of.

[N.W. SAMBRE, J.]