

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

FIRST APPEAL (ST.) NO. 8564 OF 2012

- 1) The State of Maharashtra,  
Through The Collector,  
Osmanabad
  - 2) The Special Land Acquisition Officer,  
Manjara Project, Osmanabad
- ...APPELLANTS  
(Ori. Respondents)
- VERSUS
- Rajendra Pralhad Sagar,  
Age: Major, Occu. Agril.,  
R/o. Koral, Tq. Omerga,  
Dist. Osmanabad
- ...RESPONDENT  
(Ori. Claimant)

WITH

FIRST APPEAL (ST.) NO. 8579 OF 2012

- 1) The State of Maharashtra,  
Through The Collector,  
Osmanabad
  - 2) The Special Land Acquisition Officer,  
Manjara Project, Osmanabad
- ...APPELLANTS  
(Ori. Respondents)
- VERSUS
- Mahada Sambha Surwase,  
Age: Adult, Occu. Agril.,  
R/o. Koral, Tq. Omerga,  
Dist. Osmanabad
- ...RESPONDENT  
(Ori. Claimant)

WITH

FIRST APPEAL (ST.) NO. 8576 OF 2012

- 1) The State of Maharashtra,  
Through The Collector,  
Osmanabad

(2)

FASTNo.8564.12 etc

- 2) The Special Land Acquisition Officer,  
Manjara Project, Osmanabad

...APPELLANTS  
(Ori. Respondents)

VERSUS

Gundappa Shankar Surwase,  
Died his L.Rs.

- 1) Savitribai Gundappa Surwase,  
Age: 65 yrs., Occu. Household,  
R/o. Koral, Tal. Omerga,  
Dist. Osmanabad

- 2) Laxman Gundappa Surwase,  
Age: 46 yrs., Occu. Agri.,  
R/o. Koral, Tal. Omerga,  
Dist. Osmanabad

...RESPONDENTS  
(Ori. Claimants)

WITH

FIRST APPEAL (ST.) NO. 8593 OF 2012

- 1) The State of Maharashtra,  
Through The Collector,  
Osmanabad
- 2) The Special Land Acquisition Officer,  
Manjara Project, Osmanabad

...APPELLANTS  
(Ori. Respondents)

VERSUS

Hanmant Sambha Sagar,  
Age: Adult, Occu. Agri.,  
R/o Koral, Tq.Omerga,  
Dist. Osmanabad

...RESPONDENT  
(Ori. Claimant)

WITH

FIRST APPEAL (ST.) NO. 8589 OF 2012

- 1) The State of Maharashtra,  
Through The Collector,  
Osmanabad

(3)

FASTNo.8564.12 etc

- 2) The Special Land Acquisition Officer,  
Manjara Project, Osmanabad

...APPELLANTS  
(Ori. Respondents)

VERSUS

Tukaram Sambha Sagar,  
Age: Adult, Occu. Agri.,  
R/o. Koral, Tq. Omerga,  
Dist. Osmanabad

...RESPONDENT  
(Ori. Claimant)

WITH

FIRST APPEAL (ST.) NO. 8586 OF 2012

- 1) The State of Maharashtra,  
Through The Collector,  
Osmanabad
- 2) The Special Land Acquisition Officer,  
Manjara Project, Osmanabad

...APPELLANTS  
(Ori. Respondents)

VERSUS

Kashinath Shivayya Swami,  
Age: Adult, Occu. Agri.,  
R/o. Koral, Tq. Omerga,  
Dist. Osmanabad

...RESPONDENT  
(Ori. Claimant)

WITH

FIRST APPEAL (ST.) NO. 8572 OF 2012

- 1) The State of Maharashtra,  
Through The Collector,  
Osmanabad
- 2) The Special Land Acquisition Officer,  
Manjara Project, Osmanabad

...APPELLANTS  
(Ori. Respondents)

VERSUS

Ankush Balbhim Tadvale,  
Age: Adult, Occu. Agril.,  
R/o Kaldeo Nimbala, Tq. Omerga,  
Dist. Osmanabad

...RESPONDENT  
(Ori. Claimant)

WITH

FIRST APPEAL (ST.) NO. 8583 OF 2012

- 1) The State of Maharashtra,  
Through The Collector,  
Osmanabad
- 2) The Special Land Acquisition Officer,  
Manjara Project, Osmanabad

...APPELLANTS  
(Ori. Respondents)

VERSUS

Lingayya Shivayya Swami,  
Died his L.Rs.

- 1) Ratnabai Lingayya Swami,  
Age: Adult, Occu. Household,  
R/o. Koral, Tq. Omerga,  
Dist. Osmanabad
- 2) Gundappa Lingayya Swami,  
Age: Adult, Occu. Agri.,  
R/o. Koral, Tq. Omerga,  
Dist. Osmanabad
- 3) Sow. Nandabai Nilkanth Swami,  
Age: Adult, Occu. Household,  
R/o. Koral, Tq. Omerga,  
Dist. Osmanabad

...RESPONDENTS  
(Ori. Claimants)

Mr G. R. Ingole, Asstt. Govt. Pleader for appellants;  
Mr V. V. Ingle, Advocate for Respondents

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

**DATE : 14<sup>th</sup> July, 2015**

**ORAL ORDER :**

With the consent of the parties, the appeals are taken out for final disposal, at the stage of admission.

2. The lands belonging to the respondents/claimants were acquired by the State Government, for the purpose of rehabilitation of the earthquake affected persons, in Osmanabad district.

3. For the purpose of the acquisition, notification under section 4 of the Land Acquisition Act came to be issued on 24<sup>th</sup> February, 1994 and the award came to be declared on 4<sup>th</sup> July, 1996. The Land Acquisition Officer awarded compensation at the rate of Rs.482/- per R.

4. The respondents/claimants preferred Reference under section 18 of the Land Acquisition Act, seeking enhancement of compensation by Rs.10,000/- per R.

5. The Reference Court enhanced the compensation to Rs.964/- per R. As such, the present appeals by the acquiring body.

6. Learned Asstt. Govt. Pleader appearing on behalf of the acquiring body and the State Government, would urge that the enhancement of compensation granted in the Reference is exorbitant and not based on the evidence on record. In support of his contention, he has invited my attention to the documentary evidence brought on record and the enhancement granted to that effect. He would urge that the evidence taken into account by the Reference Court, particularly in relation to Exh.20 – the sale deed dated 8<sup>th</sup> February, 1991, in relation to Gat No.59, for 88 Rs land, which was sold for Rs.39,772/- depicts only the price pertaining to a small piece of land. According to him, the escalation of 10% granted on the said price, which was found basis, is illegal.

7. Learned Counsel appearing on behalf of the respondents/claimants has supported the judgment delivered by the Reference Court.

8. From the record, it appears that the enhancement sought by the respondents/claimants as against the award passed by the Land Acquisition Officer is to the tune of Rs.10,000/- per R. It appears that the land ranging between 70 Rs to 2 Hectares and 40 Rs, belonging to each of the claimants, was acquired from the respective survey numbers. The Land Acquisition Officer offered compensation ranging between Rs. 10,850/- to Rs.37,200/- per Hectare. Being dissatisfied with the inadequacy of compensation, the respondents/claimants preferred Land

Acquisition References for enhancement. In support of enhancement, the respondents/claimants have brought on record sufficient documentary evidence of about 50 sale instances. Amongst them, the Reference Court has taken into account the sale instance at sr. no.20 , dated 8<sup>th</sup> February, 1991, in relation to Gat No.58, to the extent of 88 R. The Reference Court then added 10% escalation of cost each year and has fixed the rate of the land as on 24<sup>th</sup> February, 1994, i.e. the date of issuance of section 4 notification at Rs.48,169=12 per Hectare. Forming the same to be the basis, the enhancement was granted by the Reference Court at the rate of Rs.964/- per R.

9. In my opinion, the enhancement as is granted is based on the valued considerations.

10. Apart from above, while granting the enhancement, the rate of the land which is taken into account at Sr. No.20 pertains to dry crop land, whereas land under Sr. No.1 is an irrigated land.

11. In view of above, the learned Reference Court was right in awarding compensation of Rs.964/- per R.

12. In the light of above, the instant appeal being devoid of merits stands dismissed with no order as to costs.

13. In view of dismissal of the Appeals, pending Civil Applications do not survive and stand disposed of.

**(N.W. SAMBRE, J.)**

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