

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

**CIVIL APPLICATION NO.5750 OF 2015
WITH
CIVIL APPLICATION NO.5751 OF 2015
IN/WITH
FIRST APPEAL (ST) NO. 13277 OF 2015**

The State of Maharashtra & ors ...Appellants

versus

Madhavrao Namdeo Mirkale & ors ...Respondents

**WITH
CIVIL APPLICATION NO.5752 OF 2015
WITH
CIVIL APPLICATION NO.5753 OF 2015
IN/WITH
FIRST APPEAL (ST) NO. 13356 OF 2015**

The State of Maharashtra & ors ...Appellants

versus

Dayanand Vishwanath Dhawle & ors ...Respondents

**WITH
CIVIL APPLICATION NO.5754 OF 2015
WITH
CIVIL APPLICATION NO.5755 OF 2015
IN/WITH
FIRST APPEAL (ST) NO. 13359 OF 2015**

The State of Maharashtra & ors ...Appellants

versus

Rohidas Mahadu Dhawle ...Respondent

.....
Mr. G.R. Ingole, Advocate for appellants
.....

CORAM : N.W. SAMBRE, J.

DATE : 12th AUGUST, 2015

ORAL ORDER :

Heard.

2. For the reasons stated in the application, delay caused in preferring the first appeals stand condoned. The civil applications stand allowed.

3. The appeals are taken out for final disposal at admission stage.

4. Pursuant to the notification under Section 4 of the Land Acquisition Act (hereinafter shall be referred to as 'the Act') issued on 05/03/2003, the lands of the respondents-claimants were acquired for the irrigation project.

5. Learned Acquisition Officer offered the compensation in between Rs.61,000/- to 74,600/- per Hector, which is enhanced by the Reference Court to Rs.2,50,000/- per Hector. As such, present appeals.

6. Learned A.G.P. submits that the enhancement is exorbitant and without taking into account the applicability of the sale deed to the land acquired.

7. With the assistance of learned A.G.P., I have perused the judgment delivered by the Reference Court. It is required to be noted here that the notification under Section 4 of the Act was issued in this case on 05/03/2003. Pursuant to which, award was passed by Land Acquisition Officer for amount of Rs.61,000/- to Rs.74,600/- per Hecter.

8. The claimants have examined Meheboob Shaikh at Exhibit-12 and has placed on record the documentary evidence, particularly in the matter of sale instance dated 22/04/2002 at Exhibit-17 alongwith village map at Exhibit-18 and 7/12 extracts of acquired land at Exhibits Nos. 19 to 30. It is required to be noted that, sale deed Exhibit-17 is dated 22/04/2002, whereas Section 4 notification in the present case is dated 05/03/2002.

9. In view of above, learned Reference Court has proceeded to consider the location of land covered under the sale deed at Exhibit-17 in the light of village map at Exhibit-18 and has recorded the observation that the land covered under the sale deed

Exhibit-17 is located in close vicinity to that of the land under acquisition. The appellant has not brought on record any other evidence to discard the position brought on record.

10. In view thereof, the Reference Court has proceeded to accept the sale instance and having regard to the boundaries of the land in the sale instance Exhibit-17 has reduced and fixed the marked value of the land acquired @ Rs. 1,00,000/- per acre i.e. Rs. 2,50,000/- per Hector. The Reference Court has reduced the cost of the land while comparing the sale instance Exhibit-17 and has awarded reasonable compensation.

11. In view of above, no case for interference is made out. The appeals fail, same stand dismissed. Consequently, Civil Applications for stay stand disposed of.

[N.W. SAMBRE, J.]