

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 2113 OF 2014
WITH CIVIL APPLICATION NO. 10058 OF 2013

1. The State of Maharashtra,
Through – The Collector, Latur
2. The Executive Engineer,
B & C Office, Latur, Dist. : Latur .. Appellants

Versus

1. Kalidas Narsingrao Deshpande,
Age : 21 years, Occu : Agri,
2. Ramdas Narsingrao Deshpande,
Age : 20 years, Occu : Agril.,

Both R/o. Akharwai, Tq. : Latur,
Dist. : Latur .. Respondents

WITH

FIRST APPEAL NO. 2110 OF 2014
WITH CIVIL APPLICATION NO. 10060 OF 2013

1. The State of Maharashtra,
Through – The Collector, Latur
2. The Executive Engineer,
B & C Office, Latur, Dist. : Latur .. Appellants

Versus

- Kashinath S/o Ganpati Barbole,
Age : 55 years, Occu. : Agrl.,
R/o : Akharwai, Tq. and Dist. : Latur .. Respondent

WTIH

FIRST APPEAL NO. 2111 OF 2014

WITH CIVIL APPLICATION NO. 10062 OF 2013

1. The State of Maharashtra,
Through – The Collector, Latur
2. The Executive Engineer,
B & C Office, Latur, Dist. : Latur .. Appellants

Versus

Harishchandra S/o Namdeo Barbole (Died),
Through His L.Rs.

1. Kalawatibai W/o Harishchandra Borbole,
Age : 75 years, Occu : H. H. & Agril.,
2. Atmaram S/o Harishchandra Borbole,
Age : 52 years, Occu : Agril.,
3. Dagdu S/o Harishchandra Borbole,
Age : 42 years, occu. : Agril.,
4. Sonabai W/o Sopan Kadam,
Age : 35 years, Occu. : H. H.,
5. Daivashala W/o Shivaji Bhosale,
Age : 29 years, Occu. : Agril.,

All R/o Akharwai, Tq. & Dist. Latur .. Respondents

WITH

FIRST APPEAL NO. 2112 OF 2014

WITH CIVIL APPLICATION NO. 10064 OF 2013

1. The State of Maharashtra,
Through – The Collector, Latur
2. The Executive Engineer,

B & C Office, Latur, Dist. : Latur .. Appellants

Versus

Tulshiram S/o Ganpati Barbole,
Age : 50 years, Occu. : Agril.,
R/o : Akharwai, Tq. and Dist. : Latur .. Respondent

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Shri S.M.Jadhav,AGP for appellants State
Shri S.V.Natu,Adv. For Respondents 1 & 2 (in FA 2113/14) for
respondent nos.2,3 and 5 in (FA. No.2111/14) and respondent
sole in 2112/14),
Shri N.P.Patil Jamalpurkar,Adv. For respondent (in FA 2110/14)

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CORAM : S.V.GANGAPURWALA,J.

DATED : 28TH SEPTEMBER, 2015

ORDER :-

1] The present respondents being dissatisfied with the amount of compensation awarded by the Land Acquisition Officer, filed Reference under Section 18 of the Land Acquisition Act (the Act for short). The Reference Court partly allowed the said Reference. Aggrieved thereby, the State has filed present Appeals.

2] Learned AGP submits that the S.L.A.O. After considering all the relevant aspects of the matter had awarded compensation at Rs.32500/- per hectare, the Reference Court has exorbitantly enhanced the same to Rs.2,50,000/- per hectare. Learned AGP submits that the date of notification u/s 4 of the Act is 31/1/1991. The land is acquired for construction of air strip. The AGP submits that the sale instances Exh.53 and 54 are in respect of lands from different villages than the lands involved in the present appeals.

According to the learned AGP, the distance between the lands under the sale deed and village Akharwai is 4 Kms. The same cannot be considered. Apart from the said sale deed there is no other evidence led by the claimants to substantiate the said claim.

3] Mr.Natu, learned counsel for claimants submits that total 50 Acres of land is acquired for the construction of air strip. The said 25 Acres of land is from village Harangual and Akharwai. They are all adjacent lands. The learned counsel submits that the Reference Court has not awarded compensation at the rate in which the lands were sold vide Exh.53 and 54. The sale deeds show the land being sold at the rate of 3.50 per sq.ft. and Rs.5/- per Sq.Ft., and those sale deeds were four years prior to the notification u/s 4 of the Act. The Court has awarded compensation at Rs.2,50,000/- per hectare which would come to Rs.2.30 per sq.ft. The learned counsel further submits that one of the appeals filed by the State against the judgment and award of the Reference Court in respect of the land acquired for the same purpose and under the same notification has been dismissed, wherein the compensation awarded by Reference Court at Rs.2/- per sq. ft. has been confirmed.

4] With the assistance of learned counsel, I have gone through judgment and order so also record and proceeding. The award passed by the SLAO shows that 25 acres of land from village Akharwai and Harangual have been acquired. That would mean that the said lands are adjacent to each other. The sale instance vide Exh.53 and 54 are in respect of land situated in village Harangual. Naturally the same would be of the adjacent area. The said plots of which sale deeds are executed were Non-Agriculture. If the sale consideration is seen, it is almost Rs.5/- per sq. ft. that is more than Rs.5 lakh per hectare. The said sale deed is almost four years prior

to the notification u/s 4 of the Act, however, the Reference Court has not awarded said consideration amount. The amount has been drastically reduced. Considering the area of the land and the fact that the said lands were not converted into N.A., less than half of the compensation amount has been awarded.

5] Considering the above, no illegality has been committed by the Reference Court, as such First Appeals are dismissed. No costs. Even the learned Single Judge of this Court in an appeal filed by the State bearing First Appeal No.468/13 vide its judgment dated 3/7/2015 has confirmed the judgment of the Reference Court, wherein the land was acquired for the same project under the same notification. In view of disposal of Appeals, Civil Applications stand disposed of.

[S.V.GANGAPURWALA,J.]

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