

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

FIRST APEAL NO. 787 OF 2015

1. The State of Maharashtra
Through Collector, Latur.

2. The Executive Engineer
(Local Sector) Latur.

... Appellants
(Ori. respondents)

VERSUS

Bhanudas s/o Dattatraya Chavan
Age 50 years, Occu: Agril.
R/o Dongarkali, Taluka Jalkot
District: Latur

.... Respondent
(Orig. Claimant)

WITH

FIRST APEAL NO. 785 OF 2015

1. The State of Maharashtra
Through Collector, Latur.

2. The Executive Engineer
(Local Sector) Latur.

... Appellants
(Ori. respondents)

VERSUS

Amrata s/o Baliram Chavan
Age 60 years, Occu: Agril.
R/o Dongarkonali, Taluka Jalkot
District: Latur

.... Respondent
(Orig. Claimant)

WITH

FIRST APEAL NO. 786 OF 2015

1. The State of Maharashtra
Through Collector, Latur.

2. The Executive Engineer
(Local Sector) Latur. ... **Appellants**
(Ori. respondents)

VERSUS

Nilkantha s/o Raosaheb Gavane
Age 40 years, Occu: Agril.
R/o Dongarkonali, Taluka Jalkot
District: Latur **Respondent**
(Orig. Claimant)

WITH
FIRST APEAL NO. 788 OF 2015

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer
(Local Sector) Latur. ... **Appellants**
(Ori. respondents)

VERSUS

Nivratti s/o Gopal Chavan
Age 40 years, Occu: Agril.
R/o Dongarkonali, Taluka Jalkot
District: Latur **Respondent**
(Orig. Claimant)

WITH
FIRST APEAL NO. 789 OF 2015

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer
(Local Sector) Latur. ... **Appellants**
(Ori. respondents)

VERSUS

Devidas s/o Hanmant Tirathe
Age 57 years, Occu: Agril.
R/o Dongarkonali, Taluka Jalkot
District: Latur **Respondent**
(Orig. Claimant)

WITH
FIRST APEAL NO. 790 OF 2015

1. The State of Maharashtra
Through Collector, Latur.

2. The Executive Engineer
(Local Sector) Latur.

... **Appellants**
(Ori. respondents)

VERSUS

Zeting s/o Ganpati Shinde
Age 60 years, Occu: Agril.
R/o Dongarkonali, Taluka Jalkot
District: Latur

.... **Respondent**
(Orig. Claimant)

WITH
FIRST APEAL NO. 791 OF 2015

1. The State of Maharashtra
Through Collector, Latur.

2. The Executive Engineer
(Local Sector) Latur.

... **Appellants**
(Ori. respondents)

VERSUS

Bhanudas s/o Hanmant Tirathe,
Age 57 years, Occu: Agril.
R/o Dongarkonali, Taluka Jalkot
District: Latur

.... **Respondent**
(Orig. Claimant)

Mr. G. R. Ingole, Asstt. Govt. Pleader for appellants;
Mr. H. B. Nandagawale holding for Mr. Vijay G. Sakolkar, Advocate
for respondents

CORAM : N. W. SAMBRE, J.

DATE : 29th July, 2015

PER COURT :

1. The State Government and the acquiring body, issued notification under section 4 of the Land Acquisition Act on 3rd February, 2005 and declared an award on 26th September, 2007, acquiring the lands of the respondents/claimants for construction of percolation tank, to which the Land Acquisition Officer awarded compensation of Rs.972 to 1080 per R. The Reference Court awarded compensation at the rate of Rs.1,62,000/- per Acre. As such, present appeals.

2. Mr Ingole, learned Asstt. Govt. Pleader appearing on behalf of the appellants would urge that even though the sale instance Exh.13, dated 23rd October, 2002 was taken into account and after adjusting the price for three years, so as to work out the difference between the dates of section 4 notification and the sale deed, the appreciation of the value of the lands was improper and thus sought interference.

3. Learned Counsel appearing on behalf of the respondents/claimants supported the judgment and award rendered by the Reference Court.

4. The respondent-claimant entered into the witness box at Exh.24 and deposed in support of the claim petition by relying upon documentary evidence, such as E-statement Exh.12, 7/12 extracts at Exhs.14 to 19, sale deed at Exh.13, the cropping pattern, etc.

5. The appellants have not examined any witness in support of their defence.

6. The Reference Court, while considering the sale instance at Exh.13, dated 23rd October, 2002, has noted that the same was almost 2-1/2 years prior in point of time than that of issuance of section 4 notification on 3rd February, 2005, and as such, increased the price by 30%. However, having regard to the location of the land covered under the sale deed, which is located on the bank of the river and was purchased by an adjoining field owner, has reduced the said price by further 30%.

7. Based on the sale instance and considering the law laid down by the Apex Court, in the matter of **Chimanlal Hargovinddas vs. Special Land Acquisition Officer, Poona & anr.**, reported in **AIR 1988 SC 1652**, the learned Reference Court proceeded to work out the price of the acquired land at Rs. 1,30,000/- per Acre, i.e. Rs.3,250/- per R. The said finding, as regards enhancement of

compensation is based on the oral evidence and the testimony of the respondent-claimant, so also the documentary evidence, i.e. 7/12 extracts, the sale deed Exh.13, etc.

8. In the light of above, the enhancement of compensation as is ordered by the learned Reference Court, in my opinion, is just and proper. No interference is warranted in the impugned judgment and award. The appeals fail and stand dismissed with no order as to costs.

(N. W. SAMBRE, J.)

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