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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NOS.7663/2015
AND 7728/2015**

**IN
FIRST APPEAL NO.208/2015**

Sandu Kisan Ghuge, deceased
through L.Rs. Baburao Sandu Ghuge
and others.

...Applicants..

Versus

The State of Maharashtra & another.

...Respondents...

.....

Shri A.B. Kale, Advocate h/f Shri N.R. Thorat, Advocate
for applicants.

Shri G.R. Ingole, AGP for the State.

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CORAM: N.W. SAMBRE, J.

DATE: 17.07.2015

ORDER :

1] Heard learned counsel appearing for the parties.
With their consent, the appeal is taken for hearing and
final disposal alongwith civil applications.

2] The land in question was acquired for the
construction of percolation tank for which Section 4
notification came to be issued on January 3, 1985. The
award u/s 11 of the Land Acquisition Act was delivered on
31.12.1987 awarding Rs.110/- per Aare compensation.

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3] The applicants herein – claimants sought enhancement of the compensation at the rate of Rs.310/- per Aare relying upon sale instance.

4] The Reference Court enhanced the compensation to Rs.132/- per Aare. As such the present appeal is filed by the State and the acquiring body.

5] The enhancement is from Rs.110/- per Aare to Rs.132/- per Aare, which is based upon the productivity of the land and the nature of crops grown by the claimants. Apart from above, Exhibit 44 – sale instance has been rightly taken into account by the learned Reference Court. In view of meagre enhancement, which is based on the sale instance and the fertility of the land, in my opinion, no case is made out for interference.

6] Hence, the first appeal stands dismissed. Amount, if any, deposited before the executing / Reference Court, the applicants / claimants will be at liberty to apply for withdrawal of the same. Consequently, civil applications also stand disposed of.

(N.W. SAMBRE, J.)