

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**FIRST APPAL NO.68 OF 2014
WITH
CIVIL APPLICATION NO.9500 OF 13**

The Executive Engineer
Minor Irrigation Division,
Jalna. Through Assistant Engineer
Prashant s/o Bhagwansing Kachhawa,
Age : 39 years, Occ.: Service as
Assistant Engineer, Grade-1,
At Minor Irrigation, Sub-Division,
Mantha, Dist. Jalna.

..Appellant/Applicant

Versus

1. Bhagwat s/o Dadasaheb Borkar,
Age : 28 years, Occ.: Agriculture,
R/o. Hatadi, Tq. Partur,
Dist. Jalna.
2. The State of Maharashtra
Through Collector, Jalna.
3. Special Land Acquisition Officer,
(B & C Jalna),
Collectorate Office,
Jalna

..Respondents

**WITH
FIRST APPAL NO.69 OF 2014
WITH
CIVIL APPLICATION NO.9513 OF 13**

The Executive Engineer
Minor Irrigation Division, Jalna.

Through Assistant Engineer
Prashant s/o Bhagwansing Kachhawa,
Age : 39 years, Occ.: Service as
Assistant Engineer, Grade-1,
At Minor Irrigation, Sub-Division,
Mantha, Dist. Jalna.

..Appellant/Applicant

Versus

1. Vishnu s/o Balram Gore,
Age : 32 years, Occ.: Agriculture,
R/o. Hatadi, Tq. Partur,
Dist. Jalna.
2. The State of Maharashtra
Through Collector, Jalna.
3. Special Land Acquisition Officer,
(B & C Jalna),
Collectorate Office,
Jalna

..Respondents

**WITH
FIRST APPAL NO.70 OF 2014
WITH
CIVIL APPLICATION NO.9507 OF 13**

The Executive Engineer
Minor Irrigation Division, Jalna.
Through Assistant Engineer
Prashant s/o Bhagwansing Kachhawa,
Age : 39 years, Occ.: Service as
Assistant Engineer, Grade-1,
At Minor Irrigation, Sub-Division,
Mantha, Dist. Jalna.

..Appellant/Applicant

Versus

1. Rukhminibai W/o Sakharam Gore,
Age : 60 years, Occ.: Agriculture,
R/o. Hatadi, Tq. Partur,
Dist. Jalna.
2. The State of Maharashtra
Through Collector, Jalna.
3. Special Land Acquisition Officer,
(B & C Jalna),
Collectorate Office,
Jalna ..Respondents

**WITH
FIRST APPAL NO.71 OF 2014
WITH
CIVIL APPLICATION NO.9515 OF 13**

The Executive Engineer
Minor Irrigation Division, Jalna.
Through Assistant Engineer
Prashant s/o Bhagwansing Kachhawa,
Age : 39 years, Occ.: Service as
Assistant Engineer, Grade-1,
At Minor Irrigation, Sub-Division,
Mantha, Dist. Jalna.
..Appellant/Applicant

Versus

1. Sandeep s/o Uttamrao Gore,
Age : 21 years, Occ.: Agriculture,
R/o. Hatadi, Tq. Partur,
Dist. Jalna.
2. The State of Maharashtra
Through Collector, Jalna.

3. Special Land Acquisition Officer,
(B & C Jalna),
Collectorate Office,
Jalna ..Respondents

**WITH
FIRST APPAL NO.72 OF 2014
WITH
CIVIL APPLICATION NO.9517 OF 13**

The Executive Engineer
Minor Irrigation Division, Jalna.
Through Assistant Engineer
Prashant s/o Bhagwansing Kachhawa,
Age : 39 years, Occ.: Service as
Assistant Engineer, Grade-1,
At Minor Irrigation, Sub-Division,
Mantha, Dist. Jalna.

..Appellant/Applicant

Versus

1. Sakharam s/o Dajiba Gore,
(since Deceased, through L.Rs.)
- i) Manik s/o Sakharam Gore,
Age : 45 years, Occu.: Agriculture,
r/o. Hatadi, Tq. Partur,
Dist. Jalna.
- ii) Rukmanibai w/o Sakharam Gore,
Age : 65 years, Occu.: Agriculture,
r/o. As above.
2. The State of Maharashtra
Through Collector, Jalna.

3. Special Land Acquisition Officer,
(B & C Jalna),
Collectorate Office,
Jalna

..Respondents

**WITH
FIRST APPAL NO.73 OF 2014
WITH
CIVIL APPLICATION NO.9509 OF 2013**

The Executive Engineer
Minor Irrigation Division, Jalna.
Through Assistant Engineer
Prashant s/o Bhagwansing Kachhawa,
Age : 39 years, Occ.: Service as
Assistant Engineer, Grade-1,
At Minor Irrigation, Sub-Division,
Mantha, Dist. Jalna.

..Appellant/Applicant

Versus

1. Bapurao s/o Uttamrao Borkar,
Age : 24 years, Occ.: Agriculture,
R/o. Hatadi, Tq. Partur,
Dist. Jalna.
2. The State of Maharashtra
Through Collector, Jalna.
3. Special Land Acquisition Officer,
(B & C Jalna),
Collectorate Office,
Jalna

..Respondents

**WITH
FIRST APPAL NO.74 OF 2014
WITH
CIVIL APPLICATION NO.9519 OF 2013**

The Executive Engineer
Minor Irrigation Division, Jalna.
Through Assistant Engineer
Prashant s/o Bhagwansing Kachhawa,
Age : 39 years, Occ.: Service as
Assistant Engineer, Grade-1,
At Minor Irrigation, Sub-Division,
Mantha, Dist. Jalna. ..Appellant/Applicant

Versus

1. Usha w/o Manikrao Borkar,
Age : 30 years, Occ.: Agriculture,
R/o. Hatadi, Tq. Partur,
Dist. Jalna.
2. The State of Maharashtra
Through Collector, Jalna.
3. Special Land Acquisition Officer,
(B & C Jalna),
Collectorate Office,
Jalna ..Respondents

**WITH
FIRST APPAL NO.75 OF 2014
WITH
CIVIL APPLICATION NO.9503 OF 2013**

The Executive Engineer
Minor Irrigation Division, Jalna.
Through Assistant Engineer
Prashant s/o Bhagwansing Kachhawa,
Age : 39 years, Occ.: Service as
Assistant Engineer, Grade-1,
At Minor Irrigation, Sub-Division,
Mantha, Dist. Jalna. ..Appellant/Applicant

Versus

1. Shivkumar s/o Amrutrao Solanke,
Age : 26 years, Occ.: Agriculture,
R/o. Hatadi, Tq. Partur,
Dist. Jalna.
2. Ganesh s/o Amrutrao Solanke,
Age : 22 years, Occ.: Agriculture,
R/o. As above.
3. Chandrakala W/o Amrutrao Solanke,
Age : 44 years, Occ.: Agriculture,
R/o. As above.
4. The State of Maharashtra
Through Collector, Jalna.
5. Special Land Acquisition Officer,
(B & C Jalna),
Collectorate Office,
Jalna ..Respondents

**WITH
FIRST APPAL NO.76 OF 2014
WITH
CIVIL APPLICATION NO.9511 OF 2013**

The Executive Engineer
Minor Irrigation Division, Jalna.
Through Assistant Engineer
Prashant s/o Bhagwansing Kachhawa,
Age : 39 years, Occ.: Service as
Assistant Engineer, Grade-1,
At Minor Irrigation, Sub-Division,
Mantha, Dist. Jalna.

..Appellant/Applicant

Versus

1. Walhabai w/o Ramdas Gore,
Age : 50 years, Occ.: Agriculture,
R/o. Hatadi, Tq. Partur,
Dist. Jalna.
2. The State of Maharashtra
Through Collector, Jalna.
3. Special Land Acquisition Officer,
(B & C Jalna),
Collectorate Office,
Jalna ..Respondents

WITH
FIRST APPAL NO.77 OF 2014
WITH
CIVIL APPLICATION NO.9521 OF 2013

The Executive Engineer
Minor Irrigation Division, Jalna.
Through Assistant Engineer
Prashant s/o Bhagwansing Kachhawa,
Age : 39 years, Occ.: Service as
Assistant Engineer, Grade-1,
At Minor Irrigation, Sub-Division,
Mantha, Dist. Jalna.

..Appellant/Applicant

Versus

1. Eknath s/o Dadasaheb Borkar,
Age : 30 years, Occ.: Agriculture,
R/o. Hatadi, Tq. Partur,
Dist. Jalna.
2. The State of Maharashtra
Through Collector, Jalna.

3. Special Land Acquisition Officer,
(B & C Jalna),
Collectorate Office,
Jalna ..Respondents

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Mr.S.C. Arora, advocate for the appellant/
applicants

Mr.A.D.Rakh, advocate for respondent no.1

Mr.S.G.Sangle, AGP for respondent nos.2 and 3

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CORAM : M.T. JOSHI, J.
DATE : FEBRUARY 11, 2015

PER COURT :

Heard both sides.

2] **Admit.** By consent of both the sides, taken up
for final disposal.

3] Aggrieved by the direction to pay the higher
compensation in Land Acquisition Reference
proceedings, than granted by the Land Acquisition
Officer, present appeals are preferred by the
acquiring body.

4] Upon hearing both sides, following point arises for my determination :-

Whether the award of the learned Reference Court granting compensation @ Rs.1,200/- per Are for dry crop lands and @ Rs.1,500/- per Are for semi irrigated land represents the true market value ?

. My finding to the above point is in the affirmative and the appeals are, therefore, dismissed for the reasons to follow :-

R E A S O N S

5] The pleadings of both sides as well as the evidence on record would show that the land owners had relied upon the two sale instances i.e. Exhibit

15 and Exhibit 16. The lands under the sale instance Exhibit 15 was part of the lands of same gat number i.e. gat no.77, part of which, was acquired by the State Government. That sale deed was executed for 25 Are of land on 15th April, 1997 for a consideration of Rs.35,000/-.

6] The sale instance at Exhibit 16 was for 24 Ares land, which was sold for a consideration of Rs.45,000/- on 19th March, 1994. The sale instance at Exhibit 16, however, was not accepted by learned District Judge as, according to him, the transaction had taken place long back i.e. five years prior to the date of notification issued under Section 4 of the Land Acquisition Act (for short "the Act"). The notification under Section 4 of the Act was published on 3rd May, 1999.

7] The sale instance at Exhibit 15 represented that the similarly situated land, which was dry

crop land, was sold at the rate of Rs.1,400/- per Are in the year 1997. Considering the fact that the land sold was a small piece of land, certain deductions were made and it was held that the market value of the dry crop land would be Rs.1,200/- per Are. This sale instance is of year 1997 and the notification under Section 4 of the Act was of year 1999. However, considering that a small piece of land was sold under the sale instance Exhibit 15, no further enhancement in the price was granted and thus, the compensation was awarded, as detailed supra.

8] Mr.Arora, learned counsel for the appellants submits that the Land Acquisition Officer has categorised the lands of the village in five groups and has rightly considered the sale instances by each of the group, on the basis of the quality of the lands. I am afraid, the said principle cannot be accepted. Learned District

Judge has taken every care while calculating the deductions and while comparing the sale instance at Exhibit 15, as detailed supra.

9] In that view of the matter, the appeals are dismissed without any order as to costs.

[M.T. JOSHI, J.]

kbp