

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

**CIVIL APPLICATION NO. 9215 OF 2015
WITH
CIVIL APPLICATION NO.9216 OF 2015
IN/WITH
FIRST APPEAL (ST) NO. 18504 OF 2015**

The Executive Engineer,
Minor Irrigation Div. No.2,
Sangamner, Tq. Sangamner
Dist. Ahmednagar & anr ...Applicants

versus

Bhima s/o Rama Dhindale,
Age: Major, Occ: Agri.,
R/o. Dhamanvan, Tq. Akole,
Dist. Ahmednagar & ors ...Respondents

**WITH
CIVIL APPLICATION NO. 9217 OF 2015
WITH
CIVIL APPLICATION NO.9218 OF 2015
IN/WITH
FIRST APPEAL (ST) NO. 18586 OF 2015**

The Executive Engineer,
Minor Irrigation Div. No.2,
Sangamner, Tq. Sangamner
Dist. Ahmednagar & anr ...Applicants

versus

Kisan Deu Dhindale,
Age: Major, Occ: Agri.,
R/o. Dhamanvan, Tq. Akole,
Dist. Ahmednagar & ors ...Respondents

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Mrs. Dipali G. Ansingkar (Jape), Advocate for applicants/appellants

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CORAM : N.W. SAMBRE, J.

DATE : 7th AUGUST, 2015

ORAL ORDER :

Heard learned Counsel for the applicant-acquiring body.

2. For the reasons stated in the applications, delay is condoned. Civil Applications for condonation of delay caused in preferring the first appeals are allowed.

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

4. The award delivered by the Civil Judge, Senior Division, Sangamner on 29/02/2012 under Section 18 of the Land Acquisition Act is questioned in the present appeals.

5. The Land Acquisition Officer, based on revenue assessment has awarded compensation @ Rs.525/- per Are, which was enhanced to Rs.2000/- per Are and having regard to the nature of land which is jirayat/dry crop land. According to learned Counsel for the appellants, the enhancement is exorbitant and without basis.

6. So as to analyze the submissions in the light of evidence and pleadings which were brought on record with the assistance of

learned Counsel, I have perused the judgment delivered by Reference Court.

7. In the present matter, notification under Section 4 of the Land Acquisition Act was issued on 06/10/2006. The Land Acquisition Officer awarded compensation @ Rs.525/- per Are taking into account the nature of land i.e. jirayat/dry crop land. The said compensation was based on the revenue assessment method

8. In Reference under Section 18 of the Land Acquisition Act, the sale deed at Exhibit-17 which is in relation to the jirayat land dated 04/08/2000 was cited for the purpose of enhancement. Vide said sale deed for Rs. 40,000/-, 12 Are land was sold and as such, consideration of per Hecter comes to Rs.3,00,000/-. Having regard to the date of sale deed and section 4 notification, the reference Court noted that there was time gap of six years, however, the reference Court was alive to the fact that the land covered under the sale instance at Exhibit-17 is located in the same vicinity of the land under acquisition.

9. The Reference Court then noticed cropping pattern of the land under acquisition and its location which is very close to village Ambit, Terungan, Janewadi, Shirpunje etc.

10. The other civic amenities which were located in the close proximity which is also taken note of.

11. Based on the same, Reference Court has gave finding that the enhancement can be granted @ Rs.2,00,000/- per Hector i.e. Rs.2000/- per Are.

12. In my opinion, the enhancement granted is reasonable and not exorbitant, particularly in the background of sale instance.

13. No case for interference is made out. The appeals fail, same stand dismissed. Consequently, civil applications for stay are disposed of.

[N.W. SAMBRE, J.]