

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

FIRST APPEAL NO.1066 OF 2014

Maharashtra State Industrial
Development Corporation,
through Regional Manager,
MIDC, Latur

..Appellant

Versus

1. Bharabai w/o Arvind Koli,
Age 32 years, Occu. Household,
R/o Shindhi Jawalga,
Taluka Nilanga, Dist. Latur
 2. The State of Maharashtra,
through Collector, District Latur
- ..Respondents

- WITH -

FIRST APPEAL NO.1067 OF 2014

Maharashtra State Industrial
Development Corporation,
through Regional Manager,
MIDC, Latur

..Appellant

Versus

Sheshrao s/o Dhanraj Shikhare died
through his L.Rs.

1. Smt. Ratnabai Sheshrao Shikhare,
Age 45 years, Occu. HH & Agril.,
 2. Santosh s/o Sheshrao Shikhare,
Age 19 years, Occu. Agril.,

Both R/o Korangala Taluka AUSA
District Latur
 3. The State of Maharashtra,
through Collector, District Latur
- ..Respondents

- WITH -
FIRST APPEAL NO.1068 OF 2014

Maharashtra State Industrial
Development Corporation,
through Regional Manager,
MIDC, Latur

..Appellant

Versus

1. Shrirang s/o Namdeo Savant,
Age Major, Occu.Agril.,
R/o Borgaon (Bk) Taluka and
Dist. Latur
2. The State of Maharashtra,
through Collector, District Latur

..Respondents

- WITH -
FIRST APPEAL NO.1069 OF 2014

Maharashtra State Industrial
Development Corporation,
through Regional Manager,
MIDC, Latur

..Appellant

Versus

1. Madan s/o Keshavrao Patil,
Age 36 years, Occu. Service,
Occu. service,
R/o Tugaon Halsi,
Taluka Bhalki, Dist. Bidar
At present at Latur
2. The State of Maharashtra,
through Collector, District Latur

..Respondents

- WITH -
FIRST APPEAL NO.1070 OF 2014

Maharashtra State Industrial
Development Corporation,
through Regional Manager,
MIDC, Latur

..Appellant

Versus

1. Digambar s/o Nivarti Shikhare,
Age 32 years, Occu. Labour,
R/o Korangala Taluka AUSA,
a/p Vitthal Nagar, Pimpri,
Pune 18
2. The State of Maharashtra,
through Collector, District Latur ..Respondents

- WITH -

FIRST APPEAL NO.1071 OF 2014

Maharashtra State Industrial
Development Corporation,
through Regional Manager,
MIDC, Latur ..Appellant

Versus

1. Madhav s/o Chokha Adsule,
Age 46 years, Occu. Service,
R/o Nagarsoga, Taluka AUSA,
District Latur
2. The State of Maharashtra,
through Collector, District Latur ..Respondents

- WITH -

FIRST APPEAL NO.1065 OF 2014

Maharashtra State Industrial
Development Corporation,
through Regional Manager,
MIDC, Latur ..Appellant

Versus

1. Sow Subhadrabai w/o Madhav Adule,
Age 40 years, Occu. Service,
R/o Sambhaji Nagar, Latur
2. The State of Maharashtra,
through Collector, District Latur ..Respondents

- WITH -

FIRST APPEAL NO.1089 OF 2014

Maharashtra State Industrial
Development Corporation,
through Regional Manager,
MIDC, Latur

..Appellant

Versus

1. Vijay s/o Shankarrao Chavan,
Age 48 years, Occu. Service,
R/o Borgaon (Kale), Taluka
and District Latur
2. The State of Maharashtra,
through Collector, District Latur

..Respondents

- WITH -

FIRST APPEAL NO.1092 OF 2014

Maharashtra State Industrial
Development Corporation,
through Regional Manager,
MIDC, Latur

..Appellant

Versus

1. Chitraangad s/o Nivratirao Deshmukh
Age 52 years, Occu. Service,
R/o Borgaon (Kale), Taluka and
District Latur
2. The State of Maharashtra,
through Collector, District Latur

..Respondents

- WITH -

FIRST APPEAL NO.1090 OF 2014

Maharashtra State Industrial
Development Corporation,
through Regional Manager,
MIDC, Latur

..Appellant

Versus

1. Vithal s/o Ramrao Kale,
Age 49 years, Occu. Service,
R/o Borgaon (Kale) Taluka
and District Latur
2. The State of Maharashtra,
through Collector, District Latur ..Respondents

- WITH -

FIRST APPEAL NO.1091 OF 2014

Maharashtra State Industrial
Development Corporation,
through Regional Manager,
MIDC, Latur ..Appellant

Versus

1. Parasram s/o Narayan Folani,
Age 53 years, Occu. Agri.,
R/o Borgaon (Kale), Taluka
and District Latur
2. The State of Maharashtra,
through Collector, District Latur ..Respondents

Mr S.B. Bhosale, Advocate for appellant
Mr S.V. Natu, Advocate for respondent No.1
Mr G.R. Ingole, A.G.P. for respondent No.2

CORAM : N.W. SAMBRE, J.

DATE : 20th July 2015

PER COURT

1. The present appeals are by the acquiring body questioning the award delivered by the reference Court enhancing compensation from Rs.1 per square feet to Rs.22.50 ps. per square feet.
2. Few facts as are necessary for deciding the present appeals are as under:

3. The acquiring body is the Industrial Development Corporation (Statutory body). Section 4 notification of the Land Acquisition Act was issued on 18th November 1992 and award was passed on 3rd January 1998. The Special Land Acquisition Officer has awarded compensation at the rate of Rs.540/- to Rs.600/- to the land of which enhancement was sought by the respondents, having regard to the non-agricultural potential of the land in question. The claimants as such sought enhancement at the rate of Rs.50/- per square feet.

4. Mr Bhosale, learned Counsel for the appellant - statutory body would urge that the enhancement granted by the reference Court is without any basis and cogent evidence. According to him, the proximity of land in question and the land under the sale instance is also not properly appreciate.

4. Mr Natu, learned Counsel for the respondents-claimants has supported the award. He has invited attention of this Court to the location of land under acquisition and the purpose for which the land was acquired. Apart from above, he has also invited attention of this Court to sale deeds Exh.26, 27 and 28 so as to justify the enhancement.

5. Having considered rival contentions of the parties, it is required to be noted that the land in question is for the purpose of extension of old M.I.D.C. area at village Harangul. The M.I.D.C. in the said district is located within the municipal limit and the city is admittedly

developing on Latur-Barshi road. The location of other establishments from the land under acquisition is sugar factory, housing societies and various commercial establishments, was taken note of. The situation of railway station and the response of people around the land under acquisition was also taken note of.

6. The sale deeds Exh.26, 27 and 28 pertain to plots which are situated within the four corners of the village from which the land in question was acquired. On behalf of claimants, the claimant No.1 Madhav Adsule was examined, so as to establish their case for enhancement and supported the claim with the aid of Exh.26 and 28. He has in clear terms brought on record that the pieces of plots in the same village are having price of Rs.33.33 ps per square feet and as such, the enhancement as ordered by the reference Court appears to be based on the said sale instances. Apart from above, it is required to be noted that the reference Court, being alive to the law laid down in the matter of **Chimanlal Hargovinddas Vs. Special Land Acquisition Officer, Poona and another**, reported in **AIR 1988 SC 1652** has considered the parameters and the proximity of the land under acquisition to be taken into account qua a sale instances which are cited for the purpose of granting enhancement. The reference Court thereafter having regard to the another sale deed Exh.28, the L.A.R. No.45/1999 which is at Exh.36 has proceeded to award compensation of Rs.22.50 ps. per square feet.

7. Compensation awarded, in my opinion at enhanced rate was justified, based on the evidence which was brought on record.

8. As such, no case for interference is made out. The appeal fails, stands dismissed.

(N.W. SAMBRE, J.)

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