

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

FIRST APPEAL (ST.) NO. 18523 OF 2014

- 1) The State of Maharashtra,  
Through The Collector, Latur
- 2) The Executive Engineer,  
Minor Irrigation at Latur
- ...APPELLANTS  
(Orig. Respondents)
- VERSUS
- Balasaheb Harischandra Jadhav,  
Age: 37 years, Occu. Agril.,  
R/o Takalgaon, Tq. Ahmedpur,  
Dist. Latur
- ...RESPONDENT  
(Orig. Claimant)

Mr P. P. More, Asstt. Govt. Pleader for appellants

**CORAM : N.W. SAMBRE, J.**

**DATE : 14<sup>th</sup> July, 2015**

**ORAL ORDER :**

With the consent of the parties, the appeal is taken out for final disposal at the stage of admission.

2. By the instant appeal, the appellants – State Government and the acquiring body, have questioned the legality and validity of the judgment and award dated 27<sup>th</sup> August, 2007, rendered by the Joint Civil Judge Senior Division, Ahmedpur, in L.A.R. No.949 of 2001. The land belonging

to respondent/original claimant was acquired for construction of a percolation tank, for which notification under section 4 of the Land Acquisition Act was issued on 4<sup>th</sup> March, 1993 and award was declared on 9<sup>th</sup> January, 1995 awarding compensation of Rs.482/- per R.

3. Feeling aggrieved by the award declared by the Land Acquisition Officer, the respondent/claimant sought enhancement of compensation at the rate of Rs.75,000/- per Acre.

4. Learned Asstt. Govt. Pleader, while questioning the legality and validity of the award rendered by the Reference Court, would urge that the enhancement is granted without any supportive evidence. He would further urge that the enhancement is liable to be set aside as the same is without consideration of the fact that the sale instance taken into account has no relativity with the land under acquisition.

5. With the assistance of the learned Asstt. Govt. Pleader, I have gone through impugned judgment and award. The Reference Court has taken into account entire factual matrix and the evidence brought on record. The Reference Court was alive to the fact that there is an independent Grampanchayat, educational facility and population of the village was 3000. It is further noted by the Reference Court that the fertility of the land, the crops those were taken from the land in question and held that

the acquired land was fertile.

6. The witness Balasaheb Jadhav, who is claimant, has deposed in favour of enhancement. In support of the claim for enhancement, the respondent/claimant has relied upon Exh.19 – sale deed of 20 R land at Rs.28,000/-, which is located about 1-1/2 Kms. away from the land under acquisition. The said sale deed is dated 18<sup>th</sup> March, 1987, i.e. almost six years prior to the date of issuance of section 4 notification, i.e. on 4<sup>th</sup> March, 1993. Based on the same, the Reference Court has reached to a conclusion that the price of the land acquired can be fixed at Rs.40,000/- per acre.

7. The Reference Court, as such, in my opinion, has rightly taken into account the said sale instance at Exh. 19 and has proceeded to enhance the compensation. No illegality or irregularity is noticed in the impugned judgment and award.

8. In the light of above, the appeal fails and stands dismissed with no order as to costs.

**(N.W. SAMBRE, J.)**

amj