

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

**FIRST APPEAL NO 2200 OF 2014
WITH
CIVIL APPLICATION NO. 11330 OF 2010**

1. The State of Maharashtra,
Through the Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Local Sector, Latur ...Appellants

versus

Sambhaji s/o Sangram Patne,
Age: 70 years, Occ: Agri.,
R/o. Kodli, Tq. Udgir, Dist. Latur. ...Respondent

WITH

**FIRST APPEAL NO 2199 OF 2014
WITH
CIVIL APPLICATION NO. 11338 OF 2010**

1. The State of Maharashtra,
Through the Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Local Sector, Latur ...Appellants

versus

Baburao s/o Tukaram Kendre,
Age: Major, Occ: Agri.,
R/o. Kodli, Tq. Udgir, Dist. Latur. ...Respondent

WITH

**FIRST APPEAL NO. 2201 OF 2014
WITH
CIVIL APPLICATION NO. 11332 OF 2010**

1. The State of Maharashtra,
Through the Collector, Latur.

2. The Executive Engineer,
Minor Irrigation, Local Sector, Latur ...Appellants

versus

Nivrutti s/o Tulshiram Suryawanshi,
Age: 60 years, Occ: Agri.,
R/o. Kodli, Tq. Udgir, Dist. Latur. ...Respondent

WITH

**FIRST APPEAL NO 2202 OF 2014
WITH
CIVIL APPLICATION NO. 11334 OF 2010**

1. The State of Maharashtra,
Through the Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Local Sector, Latur ...Appellants

versus

Vitthal s/o Anandrao Patne,
Age: 75 years, Occ: Agri.,
R/o. Kodli, Tq. Udgir, Dist. Latur. ...Respondent

WITH

**FIRST APPEAL NO 2203 OF 2014
WITH
CIVIL APPLICATION NO. 11336 OF 2010**

1. The State of Maharashtra,
Through the Collector, Latur.
2. The Executive Engineer,
Minor Irrigation, Local Sector, Latur ...Appellants

versus

Deelip s/o Sambhaji Patne,
Age: 75 years, Occ: Agri.,
R/o. Kodli, Tq. Udgir, Dist. Latur. ...Respondent

.....

Mr. P.P. More, A.G.P. for appellants
Mr. H.B. Nandagawale, Advocate h/f Mr. V.G. Sakolkar, Advocate for
respondents-claimants

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CORAM : N.W. SAMBRE, J.

DATE : 22nd JULY, 2015

ORAL ORDER :

Heard.

2. Learned Counsel for the respondents-claimants submits that the decree is already executed.

3. With this back ground, this Court is proceeded to consider the legality and validity of the judgment delivered by the Reference Court in Land Acquisition proceedings, which are questioned in the present group of matters.

4. It is noted that notification under Section 4 of the Land Acquisition Act for acquisition of the land was issued on 13/11/2003 and award came to be passed on 21/04/2005.

5. The land in question was acquired for construction of percolation tank at village Deulwadi, Taluka Udgir, District Latur.

6. The appellant State is aggrieved by the enhancement ordered by the Reference Court.

7. Learned A.G.P. would urge that the enhancement granted is without any basis and at exorbitant rate.

8. So as to sustain the claim for enhancement, the claimants-respondents herein have brought on record the population of the village, facility of water supply, post office, water supply, transportation. It is further stated that village from which the land was acquired was situated 5 to 6 kms. away from the State high way and quality of land which was acquired was black cotton soil. It is further claimed that the respondents-claimants were getting the income of Rs.40,000/- per year, excluding cultivation expenses, from the acquired land.

9. Acquiring body filed his reply at Exhibit-8 and denied the claim resulting into framing of issues at Exhibit-9.

10. Learned Reference Court has proceeded to enhance the compensation @ Rs.2200/- per Are.

11. So as to substantiate the claim of enhancement, the claimants have examined in all two witnesses CW-1 Deelip Patne at Exhibit-22 and CW-2 Eknath Kedar at Exhibit-20.

12. From their testimonies, it is noted by the Reference Court that the Land Acquisition Officer awarded compensation @ Rs.585/- and Rs.643/- per Are depending upon the land revenue.

13. Apart from above, witness Deelip deposed in support of the claim as regards availability of facilities narrated here in above. Other witness Eknath, who was examined at Exhibit-20, has deposed in support of sale instance dated 08/02/2001 at Exhibit-18 which was for 40 Are land for consideration of Rs.60,000/- i.e. Rs.3000/- per Are, from village Deulwadi, Taluka Udgir, District Latur.

14. So far as testimony of the said witness is concerned, the acquiring body could not elicited anything adverse to the claim made for enhancement. Learned Reference Court then has proceeded to analyze the sale deed at Exhibit-18 and noted that the enhancement as claimed should be granted.

15. The evidence that is taken into account vide Exhibit-18 was pursuant to Section 51A of the Land Acquisition Act and independent witness Eknath was examined at Exhibit-20. The enhancement, in my opinion, is just and proper and does not call for any interference. The appeals fail, same stand dismissed.

16. In view of dismissal of the appeals, civil applications stand disposed of.

[N.W. SAMBRE, J.]

Tupe/22.07.15