

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

FIRST APPEAL ST.NO.20940 OF 2014

The Executive Engineer,
Osmanabad Medium Project
Division, Osmanabad

..Appellant

Versus

The State of Maharashtra and ors.

..Respondents

Mr G.B. Rajale, Advocate for appellant
Mr P.P. More, AGP for respondents No.1 and 2
Mr A.S. More, Advocate for respondent No.3

CORAM : N.W. SAMBRE, J.

DATE : 13th July 2015

PER COURT

1. The appeal is taken up for final disposal at the admission stage.
2. Heard respective Counsel for the parties.
3. The learned Counsel for the respondent No.3 makes a statement that the amount under the award was deposited before the Reference Court and the same has already been withdrawn by the claimants.
4. Be that as it may, learned Counsel for the appellant has invited attention of this Court to the fact that Section 4 notification in the present case was issued on 3rd January 2001. Exh.17, a sale deed pertaining to irrigated land is dated 28th November 1996 whereby the land in the said village was sold for Rs.2,22,222/- per hectaare. Admittedly, the said sale deed is prior to five years of issuance of Section 4 notification.

5. Based on the said sale deed and the 7/12 extract at Exh.16, demonstrating the nature of crop taken up by the claimants, the Reference Court has awarded compensation at enhanced rate, i.e. Rs.2,00,000/- per hectare.

6. The Reference Court, in my opinion, has rightly taken into account Exh.17 sale deed executed on 28th November 1996, which is five years prior in point of time, as compared to Section 4 notification which was issued on 3rd January 2001.

7. The enhancement granted, in my opinion, is not exorbitant, which is based on the sale deed cited supra.

8. As such, the appeal which lacks merit, stands dismissed.

(N.W. SAMBRE, J.)

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