

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APEAL NO. 1050 OF 2015
WITH
CIVIL APPLICATION NO. 14929/2010

The State of Maharashtra
Through Collector, Osmanabad.

... **Appellant**
(Ori. respondent)

VERSUS

1. Ranjitsingh Ganpatrao Deshmukh
Age 50 years, Occu: Agri.
R/o Ghodki, Taluka Kallam
District: Osmanabad.
2. Charansingh Ranjitsingh Deshmukh
Age 25 years, Occu: Agri.
R/o As above.
3. Kirsnsingh Ranjitsingh Deshmukh
Age 22 years, Occu: Agri.
R/o As above.

.... **Respondents**
(Orig. Claimants)

4. Prashant Ranjitsingh Deshmukh
Age 13 years, Minor u/g of
Mother Sou. Mandabai Ranjitsing
Deshmukh, Age 45 years,
Occu: Household, R/o As above.

Mr. G. R. Ingole, Asstt. Govt. Pleader for the Appellant

CORAM : N.W. SAMBRE, J.

DATE : 29th July, 2015

ORAL ORDER :

Heard.

2. This appeal is directed against the judgment and award dated 26th June, 2007, rendered by Civil Judge Senior Division, Osmanabad, in Land Acquisition Reference No.222 of 1996.

3. Three sale instances are taken into account while granting enhancement of compensation, namely, dated 24th May, 1989 for 40 R land; for a consideration of Rs.20,000/-, 1 Hectare 98 R land for a consideration of Rs.75,000/- and 4 Acres for a consideration of Rs.73,000/-. The lands under the said sale instances are adjacent to the acquired lands. Another transaction under Exh.30 is for an area of 2 Acres, for a consideration of Rs.35,000/-, which took place in the year 1991.

4. The claim for awarding compensation at enhanced rate for the well was rejected.

5. The Reference Court considered the claim of the respondents for enhancement of compensation, pursuant to the notification dated 21st November, 2011, issued under section 4 of the Land Acquisition Act, wherein the Land Acquisition Officer has awarded compensation of Rs.18,000/- per Hectare. The enhancement was sought at the rate of

Rs.50,000/- per Acre and the Reference Court awarded compensation of Rs.25,000/- per Acre.

6. While granting enhancement of compensation, the learned Reference Court has taken into account the sale instances cited supra, which were pertaining to the lands which were adjacent to the acquired land.

7. The considerations paid and the dates of sale instances were duly appreciated by the learned Reference Court. The enhancement pursuant to section 4 notification of the year 1991 and award passed in the year 2007, in my opinion, does not suffer from any infirmity. Thus, the impugned judgment and award does not warrant any interference.

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

9. In view of dismissal of the appeal, Civil Application No.14929 of 2010 does not survive and stands disposed of.

(N.W. SAMBRE, J.)

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