

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

**CIVIL APPLICATION NO. 12956 OF 2011
AND
CIVIL APPLICATION NO. 12957 OF 2011
IN
FIRST APPEAL (ST.) NO.23729 OF 2011**

The State of Maharashtra & anr. ...Applicants

versus

Sushilabai Kondiram Naikwade. ...Respondent

.....
Mr. D. R. Korde, A. G. P. for applicants.
Mr. A. N. Nagargoje, Advocate for respondent.
.....

**WITH
CIVIL APPLICATION NO. 12958 OF 2011
AND
CIVIL APPLICATION NO. 12959 OF 2011
IN
FIRST APPEAL (ST.) NO.23756 OF 2011**

The State of Maharashtra & anr. ...Applicants

versus

Hanumant Ramdas Ninale. ...Respondent

.....
Mr. D. R. Korde, A. G. P. for applicants.
Mr. N. P. Bangar, Advocate for respondent.
.....

CORAM : N.W. SAMBRE, J.

DATE : 18TH APRIL, 2015

ORAL ORDER :

For the reasons stated in the applications, delay caused in preferring First Appeals stand condoned. The civil applications for delay are allowed.

2. Both the appeals are taken out for final disposal at admission stage with the consent of the parties.

3. The enhancement claim by the land owner before the Reference Court was to the tune of Rs.4000/- per Are against Rs.250/- per Are granted by the Special Land Acquisition Officer.

4. In support of claim of the respondents-land owners, have placed reliance upon the sale deed dated 30/03/1996 at Exhibit-60 and sale deed dated 07/01/1998 at Exhibit-61. Both these documents are discarded by the Reference Court on the ground that the sale deeds are subsequent to handing over possession to the appellant acquiring body.

5. The enhancement as is ordered by the Reference Court which is questioned in the present appeals is based on Exhibit-63 - the order passed by the Reference Court in relation to similar

matters. That by Exhibit-63 the decision dated 06/02/2006, the Reference Court has awarded Rs.1250/- per Are for dry crop land and Rs.2500/- per Are for seasonal irrigated land. The Reference Court has taken into account 7/12 extracts in relation to the land in question and as such, awarded Rs.2500/- per Are.

6. It is not in dispute that Exhibit-63 award delivered by the Reference Court on 06/02/2006, which is relied upon by the appellant was already upheld by this Court.

7. In that view of the matter, no case for interference is made out. The appeals lack merit, stands dismissed.

8. In view of dismissal of first appeals, civil applications for stays do not survive, same stand disposed of.

[N.W. SAMBRE, J.]