

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

FIRST APPEAL NO.1633 OF 2014

1. The State of Maharashtra
through the Collector,
Osmanabad
 2. The Executive Engineer,
Irrigation Department
(Medium Project),
Osmanabad
- ..Appellants

Versus

- Ambadas Wamanrao Deshmukh,
Age 50 years, Occu. Agriculture,
R/o leet, Taluka Bhoom,
District Osmanabad
- ..Respondent

-with-

FIRST APPEAL NO.1630 OF 2014

1. The State of Maharashtra
through the Collector,
Osmanabad
 2. The Executive Engineer,
Irrigation Department
(Medium Project),
Osmanabad
- ..Appellants

Versus

- Trimbak Kalyanrao Deshmukh,
Age 24 years, Major, Occu.Aгри.,
R/o leet, Taluka Bhoom,
District Osmanabad
- ..Respondent

-with-

FIRST APPEAL NO.1631 OF 2014

1. The State of Maharashtra
through the Collector,
Osmanabad
 2. The Executive Engineer,
Irrigation Department
(Medium Project),
Osmanabad
- ..Appellants
- Versus
- Mohanrao s/o Haibatrao Deshmukh,
Age Major, Occu. Agriculture,
R/o leet, Taluka Bhoom,
District Osmanabad
- ..Respondent

-with-

FIRST APPEAL NO.1632 OF 2014

1. The State of Maharashtra
through the Collector,
Osmanabad
 2. The Executive Engineer,
Irrigation Department
(Medium Project),
Osmanabad
- ..Appellants
- Versus
- Ram s/o Kisanrao Deshmukh,
Age Major, Occu. Agriculture,
R/o leet, Taluka Bhoom,
District Osmanabad
- ..Respondent

Mr P.P. More, A.G.P. for appellants
Mr R.L. Adhe, Advocate h/f Mr S.V. Deshmukh, Advocate for
respondents

CORAM : N.W. SAMBRE, J.**DATE : 21st July 2015****PER COURT**

1. The land in question came to be acquired pursuant to Section 4 notification dated 28.2.1991 for irrigation project. The compensation as was awarded by the Special Land Acquisition Officer since felt to be inadequate, the claimants sought enhancement of compensation at the rate of Rs.1 lac per acre.
2. The reference Court, by judgment and order dated 14th February 2008 enhanced the compensation at the rate of Rs.60,000/- per acre, as such present appeal under Section 54 of the Land Acquisition Act.
3. Learned Assistant Government Pleader would urge that the compensation awarded at enhanced rate is without any basis and as such, sought indulgence.
4. With the assistance of learned Assistant Government Pleader I have gone through the observations made by learned reference Court. It is required to be noted that so as to establish the enhancement of compensation, as the claimants have examined Ambadas at Exh.20 and Ramchandra, Shivaji and Nandkumar at Exhs.43, 47 and 48. In addition to above, they have produced on record copy of the award Exh.24, E-statement at Exhs.25 to 28, 7/12 extracts at Exhs.29 to 37 and the valuation reports.

5. A copy of judgment in L.A.R.No.394 of 1994 at Exh.64 was also produced.

6. While dealing with the oral and documentary evidence, it is required to be noted that neither the acquiring body nor the State Government has adduced any evidence or either any cross-examination for supporting their claim for quashing the award delivered by the reference Court. It is worth to mention here that the appellants have not led any evidence.

7. Apart from above, the reference Court, while allowing the enhancement has relied upon the copy of the judgment in L.A.R. No.394 of 1994 which was produced at Exh.64.

8. In addition to above, sale instance in relation to 8-R land for a consideration of Rs.12,000/- was taken into account by the reference Court for enhancing the compensation which was also considered in earlier L.A.R. No.394 of 1994.

9. In my opinion, the enhancement as is ordered at the rate of Rs.60,000/- per acre is based on evidence which is just and proper.

10. As such, no case for interference is made out. The appeals fail, stand dismissed.

(N.W. SAMBRE, J.)

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