

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 990 OF 2015
WITH
CIVIL APPLICATION NO. 14943 OF 2010

The State of Maharashtra	.. Appellant
Through- The Collector,	. (Orig. Respondent)
Osmanabad	

VERSUS

Ramdas Baliram Nalwade	.. Respondent
Age Major, Occu: Agriculture	. (Orig. Claimant)
R/o Lanjeshwar, Taluka Bhoom	
District: Osmanabad	

WITH
FIRST APPEAL NO. 991 OF 2015
WITH
CIVIL APPLICATION NO. 14945 OF 2010

The State of Maharashtra	.. Appellant
Through- The Collector,	. (Orig. Respondent)
Osmanabad	

VERSUS

Chandrakala Ramdas Nalwade	.. Respondent
Age Major, Occu: Agriculture	. (Orig. Claimant)
R/o Lanjeshwar, Taluka Bhoom	
District: Osmanabad	

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

CORAM : N.W. SAMBRE, J.

DATE : 29th July, 2015

ORAL ORDER :

The Reference Court enhanced compensation at Rs.60,000/- per Acre as against the claim of Rs.1,25,000/- per Acre by the respondents/land owners, for which the Land Acquisition Officer had awarded compensation at the rate of Rs.40,000/- per Hectare, i.e. around Rs.16,000/- per Acre.

2. Mr Ingole, Astt. Govt. Pleader appearing on behalf of the appellant-State would urge that there was no appreciation as regards the sale instance, which was formed to be the basis and sought indulgence of this Court.

3. With the assistance of the learned Asstt. Govt. Pleader, I have gone through the observations made by the learned Reference Court. In support of the claim, the respondents/claimants have examined Ramdas at Exh.11 and another witness Ambadas at Exh.12. The award and E-statement at Exhs.14 and 15 along with Index No.II at Exh.18, sale instance at Exh.19 and copies of judgments in L.A.R. No.113 of 1999 and L.A.R. No.331 of 1998 at Exhs.20 and 21, respectively, were produced on record.

4. The appellant – State has not adduced any evidence.

5. The Reference Court proceeded to consider the award rendered in the matter of acquisition of land for the purpose of Sangameshwar – Dokewadi medium project and then analyzed the evidence in the backdrop of pleadings, particularly in relation to the sale deed Exh.19, dated 21st April, 1994. By the said sale deed, land ad measuring 8 R was sold for a consideration of Rs.12,000/- on 10th March, 1989 and sale deed was executed on 21st April, 1994. Thus, considering the date of issuance of notification under section 4 of the Land Acquisition Act, i.e. 11th April, 1991, the Reference Court, has considered the value of the land at the rate of Rs.60,000/- per Acre and has awarded the compensation.

6. In my opinion, the enhancement of compensation is based on the sale instance Exh.19, which was appropriately appreciated by the Reference Court. The enhancement has been granted in the year 2007, which has come for consideration before this Court in 2015.

7. In view of above, no case for interference is made out. Thus, the appeals fail and stand dismissed with no order as to costs.

8. In view of dismissal of the appeals, pending Civil Applications do not survive and stand disposed of.

(N.W. SAMBRE, J.)

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