

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

FIRST APPEAL NO.185 OF 2015

1. The State of Maharashtra
through the Collector, Beed
 2. The Executive Engineer, M.I.
(L.S.), Div. Beed
- ..Appellants

Versus

1. Jagdish s/o Narayan Athole,
Age major, Occu. Agri.,
R/o Wahira, Taluka Ashti,
District Beed
 2. Ashvin s/o Narayan Athole,
Age Major, Occu. Agri.,
R/o Wahira, Taluka Ashti,
District Beed
- ..Respondents

Mr D.R. Korde, Advocate for appellants
Mr C.K. Shinde, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 10th August 2015

PER COURT

Heard.

1. It is claimed by learned Assistant Government Pleader that the enhancement granted by the reference Court is exorbitant, which is sought to be justified based on the considerations which were weighed before the learned reference Court.
2. In the present matter, Survey No.44 to the extent of 54-R of village Wahira was acquired for public purpose pursuant to the Section 4 notification dated 4th September 2003.

3. The Special Land Acquisition Officer awarded compensation at the rate of Rs.440/- per R. The claimants claimed enhancement at the rate of Rs.2,000/- per R.

4. In support of enhancement, the claimants have examined P.W.1 Jagdish at Exh.11 and has brought on record 7/12 extracts at Exhibits 14 and 15, copies of sale instances dated 9.8.2002 at Exhibits 16 and 17.

5. The reference Court has proceeded to analyse the evidence and also the sale instances, which were brought on record and has reached to a conclusion that the enhancement can be granted at the market rate of Rs.1,800/- per R.

6. While reaching to such conclusion, the reference Court has discussed the sale instance Exh.14 dated 9th August 2002 which is for 11-R land for a consideration of Rs.20,000/- and also another sale instance dated 9th August 2002 Exh.15 which is also for Rs.20,000/- per R. The availability of the irrigation facility and the date of Section 4 notification was duly appreciated and as such, the learned reference Court has enhanced the compensation at the rate of Rs.1,800/- per R.

7. The enhancement awarded by the reference Court, based on the sale instances (cited supra), appears to be just and proper.

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

(N.W. SAMBRE, J.)

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