

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

FIRST APPEAL NO.1803 OF 2014

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| 1. | The State of Maharashtra,
through the Collector, Latur | |
| 2. | The Executive Engineer,
(Local Sector), Latur | ..Appellants |
| Versus | | |
| . | Bhagwan s/o Jaiba Pendharkar,
Age Major, Occu. Agriculture,
R/o Dongar Konali, Taluka Udgir,
Now Taluka Jalkot, Dist. Latur | ..Respondent |

- WITH -

FIRST APPEAL NO.1804 OF 2014

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| 1. | The State of Maharashtra,
through the Collector, Latur | |
| 2. | The Executive Engineer,
(Local Sector), Latur | ..Appellants |
| Versus | | |
| . | Venkat s/o Baswant Ulagade,
Age 50 years, Occu. Agriculture,
R/o Dongar Konali, Taluka Udgir,
Now Taluka Jalkot, Dist. Latur | ..Respondent |

- WITH -

FIRST APPEAL NO.1805 OF 2014

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| 1. | The State of Maharashtra,
through the Collector, Latur | |
| 2. | The Executive Engineer,
(Local Sector), Latur | ..Appellants |
| Versus | | |
| . | Manohar s/o Ramchandra Mule,
Age 40 years, Occu. Agriculture,
R/o Dongar Konali, Taluka Udgir,
Now Taluka Jalkot, Dist. Latur | ..Respondent |

- WITH -

FIRST APPEAL NO.1806 OF 2014

1. The State of Maharashtra,
through the Collector, Latur
 2. The Executive Engineer,
(Local Sector), Latur ..Appellants
- Versus
- . Vishvanath s/o Jaiba Pendharkar,
Age 70 years, Occu. Agriculture,
R/o Dongar Konali, Taluka Udgir,
Now Taluka Jalkot, Dist. Latur ..Respondent

- WITH -

FIRST APPEAL NO.1807 OF 2014

1. The State of Maharashtra,
through the Collector, Latur
 2. The Executive Engineer,
(Local Sector), Latur ..Appellants
- Versus
- . Pralhad s/o Dhattaji Chavan,
Age 45 years, Occu.Agriculture,
R/o Dongar Konali, Taluka Udgir,
Now Taluka Jalkot, Dist. Latur ..Respondent

Mr G.R. Ingole, A.G.P. for appellants
Mr H.B. Nandagavale, Advocate i/b Mr V.G. Sakolkar, Advocate for
respondents (except First Appeal No.1803 of 2014)

CORAM : N.W. SAMBRE, J.

DATE : 21st July 2015

PER COURT

Heard learned Assistant Government Pleader for the appellants
and learned Counsel for respondents.

2. The land in question was acquired by the State Government for the purpose of construction of percolation tank at Dongar Konali, Taluka Jalkot, District Latur, for which Section 4 notification of the Land Acquisition Act was issued on 24th July 1997 and the award under Section 11 is came to be delivered on 22nd February 2001. The Land Acquisition Officer pursuant to Exhibits 13 and 14 i.e. the award and E-statement awarded compensation at the rate of Rs.304/408/460 per R, as the lands were categorised based on their revenue assessment.

3. The claimants preferred references under Section 18 seeking enhancement at the rate of Rs.1 lac per acre.

4. In support of the claim petition, the claimants have adduced oral and also placed documentary evidence on record. They have examined Venkat at Exh.21 and have placed on record 7/12 extract at Exhs.16 to 20, award and E-Statement at Exhs.39, 40, certified copy of sale deed of Survey No.26/2-2/1 and Survey No.26/2-1/2 located at village Sonwala Taluka Udgir at Exh.22.

5. The appellants herein vide Exh.77 resisted the claim and denied the claim for enhancement of compensation. The fact remains that the appellants have neither examined any witness nor the Land Acquisition Officer.

6. The claimants established before the reference Court that the land in question was under cultivation for Kharip crops and the

location of the lands in the village having 2000 population with all the civic amenities, the compensation should be minimum Rs.1 lac per acre. It is also claimed that the lands in question were irrigated land. Apart from above, they have placed reliance on sale deed Exh.22 in relation to 37-R land for Rs.95,000/- and produced certified copy thereof.

7. The said sale deed Exh.22 was sought to be relied upon by the claimants for establishing their claim of Rs.1 lac per acre.

8. The learned A.G.P. submits that the sale deed that was taken into account for enhancement was completely irrelevant piece of evidence, as the same is from altogether different village. While considering the above referred contentions, it is required to be noted that the learned reference Court has analysed the evidence brought before it and has noted that the claimants have failed to establish that the lands in question were irrigated lands and proceeded to award compensation on the basis of considering the lands in question as dry crop land. The reference Court then considered Exh.22 sale deed which was for Rs.95,000/- for 37-R land. The reference Court noted that the said land was purchased by the adjoining owner at the higher price, as was canvassed by the learned Assistant Government Pleader before the reference Court. The Court then considered the same to be basis for evaluation for enhancement in absence of any cogent evidence and relying upon the judgment of Apex Court in the matter of **Ravindra Narain and others Vs. Union of India**, reported in

2003 AIR SCW 1491, taken recourse to certain guess work. The Court then calculated the price of the lands acquired at the rate of Rs.40,000/- per acre.

9. In view of the enhancement of the compensation, which was based on sale deed Exh.22 to be basis, even though from the adjoining area and the guess work, in my opinion, the enhancement which is granted cannot be termed as exorbitant, rather the same is based on reasonable calculations and reservations.

10. As such, appeals fail, stand dismissed.

(N.W. SAMBRE, J.)

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