

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APEAL NO. 1028 OF 2015
WITH
CIVIL APPLICATION NO. 15343 OF 2010

1. The State of Maharashtra
Through Collector, Osmanabad.
 2. The Special land Acquisition Officer,
Manjara Project, Osmanabad.
 3. The Executive Engineer,
Minor Irrigation Division,
Osmanabad.
- ... Appellants**
(Ori. respondents)

VERSUS

Shantinath Morichand Kore (died)
Through L.Rs.

1. Shrimatibai Shantinath Kore,
Age Major, Occu: Agri.
 2. Sunil Shantinath Kore
Age Major, Occu: Agril.
 3. Anil Shantinath Kore
Age Major, Occu: Agril.
 4. Nagendra Shantinath Kore
Age Major, Occu: Agril.
All R/o Naichakur, Taluka Omerga
District: Osmanabad.
- ... Respondents**
(Orig. Claimants)

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

CORAM : N.W. SAMBRE, J.

DATE : 29th July, 2015

ORAL ORDER :

By the present appeal, the appellants take exception to the judgment and award dated 30th April, 2009, rendered by the Joint Civil Judge Senior Division, Omerga, District Osmanabad, in Land Acquisition Reference No.828 of 2005 (Old No.329 of 2001).

2. The Reference Court has granted enhancement of compensation from Rs.17,000/- per Hectare to Rs.39,000/- per Acre, for which notification under section 4 of the Land Acquisition Act was issued on 8th December, 1993. Though the Reference Court has declined to consider the sale instance produced on record by the respondents/claimants, yet the Reference Court has proceeded to carry out certain guess work by common sense and has arrived at the conclusion that the enhanced compensation of Rs.39,000/- per Acre can be awarded.

3. In view of above, no infirmity is noticed in the impugned judgment and award. No case for interference is made out.

4. In the result, the appeal fails and stands dismissed with no order as to costs.

5. In view of dismissal of the appeal, Civil Application No.15343 of 2010 does not survive and stands disposed of.

(N.W. SAMBRE, J.)

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