

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL STAMP NO. 28781 OF 2010

The state of Maharashtra
through Collector, Ahmednagar.

versus

Machhindra Gangaram Galande
Age 40 ears, occ. Agriculture,
R/o. Deulgaon, Taluka Shrigonda,
District Ahmednagar.

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Mr. P.P. More, AGP for Appellant
Mr. M.S. Sonwane, Advocate for respondent.

CORAM : N.W. SAMBRE,J.
DATE : 31st JULY, 2015.

PER COURT:

1] The present appeal is against the Reference answered by the learned civil Judge (S.D.), Shrigonda on January 16, 2008 enhancing compensation at the behest of the respondent land owner under Section 18 of the Land Acquisition Act.

2] Shri More, learned AGP, while questioning the legality of the impugned order would urge two fold contentions :-

[a] that the sale instance Exh.14 which is relied upon and appreciated is in relation to a Jirayat Land, and ought not to have been taken into account unless the proximity of the land under the sale deed is established in the oral evidence.

[b] that, the enhancement granted is exorbitant.

3] The learned counsel for the respondents supported the judgment delivered by the Reference Court. It is required to be noted here that the Reference Court has relied upon Exhibit 14 which is in relation to Jirayat Land, whereas, the respondents/claimants have placed on record the 7x12 extracts of the land in question for a period from 1991 to 2000 to establish cropping pattern which includes number of Mango trees. It also contains the entry of well available in the filed under acquisition. Pursuant to the said evidence, the Reference Court, in my opinion, has rightly appreciated the same has proceeded to award compensation by considering the land in question as an irrigated land.

4] So far as exhibit 14, the sale instance is concerned, said sale instance is also for a small piece of land. In the present case, 24R land is acquired for the irrigation of the canal. Sale instance is about a year back than that of the Section 4 notification which is issued on 2.7.1998. Pursuant to the said difference of period, the Reference Court has added 10% as is permissible to the cost of land covered under Exh.14 and then, doubled the said cost having regard to the fact that Exhibit 14 which is a Jirayat land whereas the land acquired is irrigated. In my opinion, the enhancement granted by the Reference Court is just and proper. No case for interference is made out.

6] In the result, appeal is dismissed. No costs.

**[N.W. SAMBRE]
JUDGE.**

grt/-