

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

FIRST APPEAL (ST.) NO.27259 OF 2014

The Executive Engineer,
Beed Minor Irrigation Division. ...Appellant

Versus

Raosaheb s/o Annasaheb Karpe
and others. ...Respondents

**WITH
FIRST APPEAL (ST.) NO.27263 OF 2014**

The Executive Engineer,
Beed Minor Irrigation Division. ...Appellant

Versus

Surendra Shivram Karpe
and others. ...Respondents

**WITH
FIRST APPEAL (ST.) NO.27270 OF 2014**

The Executive Engineer,
Beed Minor Irrigation Division. ...Appellant

Versus

Vithal s/o Abarao Karpe
and another. ...Respondents

**WITH
FIRST APPEAL (ST.) NO.27267 OF 2014**

The Executive Engineer,
Beed Minor Irrigation Division. ...Appellant

Versus

Sonyabapu s/o Dagdu Karpe,
deceased through L.Rs. & others. ...Respondents

.....
Mr. Suresh D. Dhongade, advocate for the appellants.
Mr. R. D. Khadap, Advocate for respondent Nos. 1 to 8 in C. A. No. 11438/2014, for respondent No. 1 in C. A. No. 11442/2014 and for respondent Nos. 1/1 and 1/2 in C. A. No. 11444/2014.
Mr. P. D. Suryawanshi, Advocate for respondent Nos. 1 to 3 in C. A. No. 11440/2014.
Mr. G.R. Ingole, A.G.P. for Respondent/State.
.....

**CORAM : R. M. BORDE &
N. W. SAMBRE, JJ.**

DATE : 20TH FEBRUARY, 2015

PER COURT :

. These are the appeals presented by the acquiring body objecting to the enhancement in the amount of compensation awarded by the Reference Court in view of the judgment and order dated 10/09/2013. The agricultural lands belonging to the respondents situated at Jawalban Bhatumba and Anandgaon, Tq. Kej, District Beed came to be acquired for Undari Brihat Minor Irrigation Tank. The notification under Section 4(1) of the Land Acquisition Act was issued on 26/08/1996. After following the procedure prescribed in Land Acquisition Act, the award came to be passed by Land Acquisition Officer on 27/12/2001 determining the amount of compensation ranging between Rs. 260/- to Rs. 390/- per Are.

2. Being dissatisfied with the award passed by the Land Acquisition Officer, the respondent-claimants approached the

Reference Court by presenting Reference Applications claiming enhancement in the amount of compensation Rs. 5000/- per Are. The respondent-claimants also claimed enhancement of compensation towards value of well and fruit bearing trees. The Reference Court, on consideration of evidence placed before it, found that the value of Bagayat Land shall be Rs. 3000/- per Are whereas value of dry crop land shall be Rs. 1500/- per Are. The claimants in order to substantiate their claim have placed on record sale instances. The sale instances are in respect of the property situated in the same village and executed prior to date of issuance of Section 4(1) notification. The land value under sale instances ranges from Rs. 2593/- to Rs. 4250/- per Are. Considering circumstances of this case, we are of the opinion that, the Reference Court has granted quite reasonable amount towards enhancement in compensation. The value of the trees prescribed by the Reference Court also does not appears to be exorbitant.

3. In view of the facts and circumstances of this case, we are of the opinion that, the judgment and award passed by the Reference Court, being quite reasonable, does not call for interference. The appeals presented by the acquiring body are devoid of substance, hence, those are dismissed.

4. Pending Civil Applications, if any, do not survive and same stands disposed of.

[N.W. SAMBRE, J.]

[R. M. BORDE, J.]