

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.1002 OF 2015

1. The State of Maharashtra,
Through Collector, Dist. Latur
 2. The Special Land Acquisition Officer,
(P.T. & L.T.), Collectorate, Latur
 3. The Executive Engineer,
Medium Project Division,
Latur
- ..APPELLANTS
(Ori. Respondents)

VERSUS

Tatyrao s/o Bapurao Bhosale Patil,
Age : 60 years, Occu. Agriculture,
R/o Anandwadi (Shivani Kottal),
Tq. Nilanga, District – Latur

..RESPONDENT
(Ori. Claimant)

**WITH
FIRST APPEAL NO.1003 OF 2015**

1. The State of Maharashtra,
Through Collector, Dist. Latur
 2. The Special Land Acquisition Officer,
(P.T. & L.T.), Collectorate, Latur
 3. The Executive Engineer,
Medium Project Division,
Latur
- ..APPELLANTS
(Ori. Respondents)

VERSUS

1. Pralhad s/o Bapurao Bhosale Patil,
Age : 40 years, Occu.Agril.,
R/o Anandwadi (Shivani Kottal),
Tq. Nilanga, District – Latur

2. Vishwanath s/o Bapurao Bhosale Patil,
Age : 56 years, Occu.Agriculture,
R/o Anandwadi (Shivani Kottal),
Tq. Nilanga, District – Latur ..RESPONDENTS
(Ori. Claimants)

Mr P.P. More, Asstt. Govt. Pleader for appellants

CORAM : N.W. SAMBRE, J.

DATE : 29th July, 2015

ORAL ORDER :

These appeals are directed against the judgment and award dated 24th April, 2006, rendered by the Ad hoc Additional District Judge, Nilanga, District Latur, in Land Acquisition Reference Nos.62 of 2001 and 68 of 2001.

2. The enhancement ordered by the Reference Court, by the aforesaid judgment and award, is subjected to challenge in the present appeals by the State Government and the acquiring body, on the ground that the same is without any basis.

3. Heard learned Asstt. Govt. Pleader appearing on behalf of the appellants and perused the observations made by the Reference Court. It is noted that in the present case, the notification under section 4 of the Land Acquisition Act was issued on 29th October, 2014 and the sale instance Exh.30, which is relied upon is dated 28th July, 1994, i.e. about

three months prior to the date of issuance of notification under section 4 of the Act. While evaluating the said evidence, the Reference Court considered that the sale instance was in relation to irrigated land, whereas the land under acquisition is jirayat land and reduced cost by 50% and has enhanced at Rs.1,000/- per R.

4. In my opinion, the enhancement is based on the sale instance, which is properly taken into account and appreciated by the Reference Court.

5. In that view of the matter, no case for interference is made out. Thus, the appeals fail and stand dismissed with no order as to costs.

6. In the light of dismissal of the First Appeals, pending Civil Applications do not survive and stand disposed of.

(N.W. SAMBRE, J.)

amj