

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

**CIVIL APPLICATION NO. 2545 OF 2015
WITH
CIVIL APPLICATION NO. 2546 OF 2015
WITH
CIVIL APPLICATION NO. 2547 OF 2015
IN/AND
FIRST APPEAL (ST.) NO. 31880 OF 2014**

The Godavari Marathwada Irrigation
Development Corporation.

...Applicant

versus

Vithal S/o Madhavrao Kanole & os.

...Respondents

.....
Mr. H. T. Gaikwad, Advocate for applicant.

Mr. S. P. Daund, A. G. P. for respondent/State.

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CORAM : N.W. SAMBRE, J.

DATE : 18TH APRIL, 2015

ORAL ORDER :

For the reasons stated in the applications, leave to file appeal is granted. Delay caused in preferring the first appeal stands condoned. As such, civil applications for leave to file appeal and condonation of delay stand allowed.

2. The first appeal is taken out for final disposal at admission stage with the consent of the parties.

3. The award delivered by the Reference Court on 09/09/2009 is subject matter of challenge. The land in question was

acquired for the percolation tank, for which, notification under Section 4(1) of the Land Acquisition Act was issued on 22/03/1997 and possession was taken on 01/01/1997. The award was passed on 21/02/2000 awarding Rs.4,56,297/- for 5.77 Hectors land i.e. Rs.78,990/- per Hector and Rs.525/- for 35 Are potkharaba land.

3. The enhancement was claimed before the Reference Court based on 1327 sale instances Exhibits-28 to 30, which were pertaining to the land from the same village. The Reference Court has discussed all those sale deeds i.e. dated 14/02/1996 at Exhibit-28, dated 28/06/1996 at Exhibits-29 and dated 26/06/1996 at Exhibit-30 and accordingly, enhanced claim to Rs.93990/- per Hector. The enhancement of Rs.15,000/- per Hector is granted.

4. In my opinion, the enhancement based on sufficient material and evidence as is discussed in the award delivered by the Reference Court. As such, no case for interference is made out. The appeal is devoid of merit, stands dismissed.

5. In view of dismissal of First Appeal, civil application for stay stands disposed of.

[N.W. SAMBRE, J.]