

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

FIRST APPEAL (ST) NO. 32186 OF 2014

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani.

...Appellant

versus

1. Uttamrao Dadarao Devade,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. The State of Maharashtra,
Through Collector, Jalna.
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

**WITH
CIVIL APPLICATION NO.6910 OF 2015
IN
FIRST APPEAL (ST) NO. 32186 OF 2014**

Uttam Dadarao Devade,
Age: 70 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.

...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,
2. The State of Maharashtra,
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

**WITH
FIRST APPEAL (ST) NO. 32179 OF 2014**

The Executive Engineer,

L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani.

...Appellant

versus

1. Vithal Sakharam Chothe,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.

2. The State of Maharashtra,
Through Collector, Jalna.

3. The Special Land Acquisition Officer,
(MIW), Jalna.

...Respondents

WITH

**CIVIL APPLICATION NO.6911 OF 2015
IN
FIRST APPEAL (ST) NO. 32179 OF 2014**

Vitthal Sakharam Chothe,
Age: 55 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.

...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,

2. The State of Maharashtra,

3. The Special Land Acquisition Officer,
(MIW), Jalna.

...Respondents

WITH

FIRST APPEAL (ST) NO. 32156 OF 2014

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani.

...Appellant

versus

1. Shankar Bapurao Bagal,

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Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.

2. The State of Maharashtra,
Through Collector, Jalna.
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

**CIVIL APPLICATION NO.6912 OF 2015
IN
FIRST APPEAL (ST) NO. 32156 OF 2014**

Shankar Bapurao Bagal,
Age: 65 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna. ...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,
2. The State of Maharashtra,
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

FIRST APPEAL (ST) NO. 32189 OF 2014

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani. ...Appellant

versus

1. Rambhau @ Ramrao Ravsaheb Devade.
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. The State of Maharashtra,
Through Collector, Jalna.

3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

**CIVIL APPLICATION NO.6913 OF 2015
IN
FIRST APPEAL (ST) NO. 32189 OF 2014**

Rambhau @ Ramrao Raosaheb Devade.
Age: 40 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna. ...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,
2. The State of Maharashtra,
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

FIRST APPEAL (ST) NO. 33472 OF 2014

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani. ...Appellant

versus

1. Sakharam Santram Bagal,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. The State of Maharashtra,
Through Collector, Jalna.
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

**CIVIL APPLICATION NO.6914 OF 2015
IN
FIRST APPEAL (ST) NO. 33472 OF 2014**

Sakharam Santaram Bagal,
Age: 60 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.

...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,
2. The State of Maharashtra,
3. The Special Land Acquisition Officer,
(MIW), Jalna.

...Respondents

WITH

FIRST APPEAL (ST) NO. 34222 OF 2014

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani.

...Appellant

versus

1. Ashok Manikrao Bagal,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. The State of Maharashtra,
Through Collector, Jalna.
3. The Special Land Acquisition Officer,
(MIW), Jalna.

...Respondents

WITH

**CIVIL APPLICATION NO.6915 OF 2015
IN
FIRST APPEAL (ST) NO. 34222 OF 2014**

Ashok Manikrao Bagal,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.

...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,
2. The State of Maharashtra,
3. The Special Land Acquisition Officer,
(MIW), Jalna.

...Respondents

WITH**FIRST APPEAL (ST) NO. 32172 OF 2014**

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani.

...Appellant

versus

1. Gayabai Damodhar Magar,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. The State of Maharashtra,
Through Collector, Jalna.
3. The Special Land Acquisition Officer,
(MIW), Jalna.

...Respondents

WITH**CIVIL APPLICATION NO.6916 OF 2015
IN
FIRST APPEAL (ST) NO. 32172 OF 2014**

Gayabai Damodhar Magar,
Age: 65 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.

...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,
2. The State of Maharashtra,
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

FIRST APPEAL (ST) NO. 33462 OF 2014

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani. ...Appellant

versus

1. Bhanudas Ravan Magar,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. The State of Maharashtra,
Through Collector, Jalna.
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

**CIVIL APPLICATION NO.6917 OF 2015
IN
FIRST APPEAL (ST) NO. 33462 OF 2014**

Bhanudas Ravan Magar,
Age: 65 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna. ...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,

2. The State of Maharashtra,
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH**FIRST APPEAL (ST) NO. 33513 OF 2014**

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani. ...Appellant

versus

1. Rambhau Nathoba Magar,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. The State of Maharashtra,
Through Collector, Jalna.
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

CIVIL APPLICATION NO.6918 OF 2015
IN
FIRST APPEAL (ST) NO. 33513 OF 2014

Rambhau Nathoba Magar,
Age: 68 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna. ...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,
2. The State of Maharashtra,
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH**FIRST APPEAL (ST) NO. 32426 OF 2014**

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani.

...Appellant

versus

1. Haribhau Dadarao Bagal,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.

2. The State of Maharashtra,
Through Collector, Jalna.

3. The Special Land Acquisition Officer,
(MIW), Jalna.

...Respondents

WITH**CIVIL APPLICATION NO.6919 OF 2015****IN****FIRST APPEAL (ST) NO. 32426 OF 2014**

Haribhau Dadarao Bagal,
Age: 55 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.

...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,

2. The State of Maharashtra,

3. The Special Land Acquisition Officer,
(MIW), Jalna.

...Respondents

WITH

FIRST APPEAL (ST) NO. 33516 OF 2014

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani.

...Appellant

versus

1. Shivnanda Uttamrao Bagal,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. The State of Maharashtra,
Through Collector, Jalna.
3. The Special Land Acquisition Officer,
(MIW), Jalna.

...Respondents

WITH**CIVIL APPLICATION NO.6920 OF 2015
IN
FIRST APPEAL (ST) NO. 33516 OF 2014**

Shivnanda Uttamrao Bagal,
Age: 62 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.

...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,
2. The State of Maharashtra,
3. The Special Land Acquisition Officer,
(MIW), Jalna.

...Respondents

WITH**FIRST APPEAL (ST) NO. 33449 OF 2014**

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani.

...Appellant

versus

1. Babasaheb Abasaheb Bagal,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. The State of Maharashtra,
Through Collector, Jalna.
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

**CIVIL APPLICATION NO.6921 OF 2015
IN
FIRST APPEAL (ST) NO. 33449 OF 2014**

Babasaheb Abasaheb Bagal,
Age: 40 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna. ...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,
2. The State of Maharashtra,
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

FIRST APPEAL (ST) NO. 32423 OF 2014

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani. ...Appellant

versus

1. Laxman Nagoba Magar,
Age: Major, Occ: Agri.,

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R/o. Mangrul, Tq. Mantha,
Dist. Jalna.

2. The State of Maharashtra,
Through Collector, Jalna.
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

**CIVIL APPLICATION NO.6922 OF 2015
IN
FIRST APPEAL (ST) NO. 32423 OF 2014**

Laxman Nathoba Magar,
Age: 66 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna. ...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,
2. The State of Maharashtra,
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

FIRST APPEAL (ST) NO. 32153 OF 2014

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani. ...Appellant

versus

1. Abasaheb Sahebrao Bagal,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. The State of Maharashtra,
Through Collector, Jalna.

3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

**CIVIL APPLICATION NO.6924 OF 2015
IN
FIRST APPEAL (ST) NO. 32153 OF 2014**

Abasaheb Sahebrao Bagal,
Age: 70 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna. ...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,
2. The State of Maharashtra,
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

FIRST APPEAL (ST) NO. 32183 OF 2014

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani. ...Appellant

versus

1. Subhash Jijabhau Devade,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. The State of Maharashtra,
Through Collector, Jalna.
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH**FIRST APPEAL (ST) NO. 32432 OF 2014**

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani.

...Appellant

versus

1. Sopan Kisan Chothe,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. Uttam Kisan Chothe,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. Bhagwan Kisan Chothe,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
3. Asaram Kisan Chothe,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
4. The State of Maharashtra,
Through Collector, Jalna.
5. The Special Land Acquisition Officer,
(MIW), Jalna.

...Respondents

WITH**FIRST APPEAL (ST) NO. 32175 OF 2014**

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani.

...Appellant

versus

1. Kisan Nivrutti Chothe,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.

2. Sopan Kisan Chothe,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
3. The State of Maharashtra,
Through Collector, Jalna.
4. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH**FIRST APPEAL (ST) NO. 33478 OF 2014**

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani. ...Appellant

versus

1. Sheshrao Nathoba Magar,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. The State of Maharashtra,
Through Collector, Jalna.
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH**FIRST APPEAL (ST) NO. 32159 OF 2014**

The Executive Engineer,
L.D.P. Division, Sailu, Tq. Sailu,
Dist. Parbhani. ...Appellant

versus

1. Babasaheb Sahebrao Bagal,
Age: Major, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna.
2. The State of Maharashtra,
Through Collector, Jalna.

3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

WITH

**CIVIL APPLICATION NO.6923 OF 2015
IN
FIRST APPEAL (ST) NO. 32159 OF 2014**

Babasaheb Sahebrao Bagal,
Age: 50 years, Occ: Agri.,
R/o. Mangrul, Tq. Mantha,
Dist. Jalna. ...Applicant

versus

1. The Executive Engineer,
L.D.P. Selu,
2. The State of Maharashtra,
3. The Special Land Acquisition Officer,
(MIW), Jalna. ...Respondents

.....

Mr. V.R. Sonwalkar, Advocate for appellant
Mr. S.N. Patne, Advocate for intervenor in C.A. No.9200 of 2015
Mrs. Asha Rakh, Advocate for respondents-claimants
Mr. P.P. More, A.G.P. for respondent/State

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CORAM : N.W. SAMBRE, J.

DATE : 21st JULY, 2015

ORAL ORDER :

All these appeals are by the Acquiring Body questioning
the award delivered by 3rd joint Civil Judge, Senior Division, Jalna in

Land Acquisition References preferred under Section 18 of the Land Acquisition Act enhancing the compensation to Rs.2000/- per Are for dry crop land against Rs. 518-544/- per Are awarded by Land Acquisition Officer.

2. Learned Counsel for the appellant acquiring body, while questioning the judgment delivered by the Reference Court, would urge following grounds;

That the enhancement is at exorbitant rate, as is not based on the sufficient evidence, as according to him, the sale deed vide Instance No. 2055/1995 pertaining to village Revalgaon, in which 13 Are land was sold for Rs. 26,000/- on 14/06/1995 is from some different village, in which the land was acquired. As such, according to him, there was no relevance of the sale deed with the land under acquisition. Apart from this, he would urge that the field work as was done by the Land Acquisition Officer while passing the award is completely ignored by the Reference Court.

3. Learned Counsel for the respondents-land owners supports the award, as according to him, the award is based on sale instance which was very much appreciated by the Reference Court, in view of the provisions of Section 51A of the Land Acquisition Act.

He would urge that the sale deed cited supra dated 14/06/1995 was already taken into account in other References under Section 18 of the Land Acquisition Act and as such, the Reference Court was right in granting enhancement compensation @ Rs.2000/- per Are.

4. With the assistance of learned Counsel for appellant and respondents, I have perused the observations made by the Reference Court, particularly in relation to the sale instances.

5. It is required to be noted here that the land in question was acquired for the purpose of irrigation project.

6. The Land Acquisition Officer has awarded compensation @Rs.679/- per Are against which the claimants have preferred Reference under Section 18 of the Land Acquisition Act demanding enhancement from Rs.3,00,000/- to Rs. 5,00,000/- per Hector. In support of their contentions, the claimants have placed on record various sale deeds. The price of the land as is reflected in the concerned sale deed which is required to be considered in the light of notification under Section 4 of the Land Acquisition Act was issued on 18/12/1997 and award under Section 11 of the Land Acquisition Act was delivered on 19/11/2001. The Reference Court then proceeded to analyze each of the sale instances, which were before it and

amongst that considered one dated 14/06/1995 bearing Serial No. 2055/1995 in the light of location map vide Exhibit-26. The Reference Court noted that village Mangrul from which the land was acquired and village Revalgaon from which the sale instance was quoted are adjacent and divided by only river. Having regard to the said fact, which was duly established by the claimants and not controverted by the appellant herein by examining any witnesses, in my opinion, the Reference Court was right in believing the said sale instance. Apart from above, the sale instance was already taken into account by the Reference Court while dealing with the issue of determination of market value in L.A.R. No. 1158/2010 decided on 12/12/2011.

7. As such, the enhancement as is awarded by the Reference Court, in my opinion, is based on sale instance as is rightly appreciated in the light of provisions of Section 51A of the Land Acquisition Act. As such, the appeals fail, same stands dismissed.

8. In view of dismissal of first appeals, pending civil applications for stay are disposed of.

9. In view of dismissal of the first appeals, the applicants

are permitted to withdraw the amount.

10. The applicants will be at liberty to file execution for the balance amount, if any.

11. Civil Applications for withdrawal of the amount are allowed.

12. In Civil Application No. 6923 of 2015, as the prayer for withdrawal of the amount is objected, it will be appropriate, in my opinion, to remit the amount deposited in the present case before the Executing Court, who shall deal with the claim for withdrawal of the amount, in accordance with law.

[N.W. SAMBRE, J.]