

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.1214 OF 2015 IN
(1) FIRST APPEAL ST.NO.33295 OF 2014

The State of Maharashtra & others Applicants

Versus

Sambhaji s/o Saduram More Respondent

WITH
CIVIL APPLICATION NO.1217 OF 2015 IN
(2) FIRST APPEAL ST.NO.33304 OF 2014

The State of Maharashtra & others Applicants

Versus

Goroba s/o Tukaram Pawar,
died, through L.Rs. Respondents

WITH
CIVIL APPLICATION NO.1220 OF 2015 IN
(3) FIRST APPEAL ST.NO.33292 OF 2014

The State of Maharashtra & others Applicants

Versus

Maruti Kerba Denge & others Respondents

WITH
CIVIL APPLICATION NO.1222 OF 2015 IN
(4) FIRST APPEAL ST.NO.33301 OF 2014

The State of Maharashtra & others Applicants

Versus

Mahadu Narayan Pawar & another Respondent

WITH
CIVIL APPLICATION NO.1224 OF 2015 IN
(5) FIRST APPEAL ST.NO.33307 OF 2014

The State of Maharashtra & others Applicants

Versus

Raghunath Narayan Dengle, died,
through L.Rs. Respondents

WITH
CIVIL APPLICATION NO.1226 OF 2015 IN
(6) FIRST APPEAL ST.NO.33145 OF 2014

The State of Maharashtra & others Applicants

Versus

Angad Saduram More, died,
through L.Rs. Respondents

WITH
CIVIL APPLICATION NO.1228 OF 2015 IN
(7) FIRST APPEAL ST.NO.33298 OF 2014

The State of Maharashtra & others Applicants

Versus

Venkat Niloba Kabade & others Respondents

Mrs.V.A.Shinde, A.G.P. for applicants.
Mr.S.S.Manale, advocate for Respondents.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 06th February, 2015

PER COURT:

These are the applications seeking condonation of

delay of 466 days occurred in presenting respective appeals.

Heard. For the reasons stated in the applications, applications deserve to be allowed and same are accordingly allowed. Delay of 466 days occurred in presenting the appeals stand condoned.

Civil Applications disposed of.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
(1) FIRST APPEAL ST.NO.33295 OF 2014

The State of Maharashtra & others Appellants

Versus

Sambhaji s/o Saduram More Respondent

WITH
(2) FIRST APPEAL ST.NO.33304 OF 2014

The State of Maharashtra & others Appellants

Versus

Goroba s/o Tukaram Pawar,
died, through L.Rs. Respondents

WITH
(3) FIRST APPEAL ST.NO.33292 OF 2014

The State of Maharashtra & others Appellants

Versus

Maruti Kerba Dengle & others Respondents

WITH
(4) FIRST APPEAL ST.NO.33301 OF 2014

The State of Maharashtra & others Appellants

Versus

Mahadu Narayan Pawar & another Respondent

WITH
(5) FIRST APPEAL ST.NO.33307 OF 2014

The State of Maharashtra & others Appellants

Versus

Raghunath Narayan Denge, died,
through L.Rs.

Respondents

WITH
(6) FIRST APPEAL ST.NO.33145 OF 2014

The State of Maharashtra & others

Appellants

Versus

Angad Saduram More, died,
through L.Rs.

Respondents

WITH
(7) FIRST APPEAL ST.NO.33298 OF 2014

The State of Maharashtra & others

Appellants

Versus

Venkat Niloba Kabade & others

Respondents

Mrs.V.A.Shinde, A.G.P. for Appellants.
Mr.S.S.Manale, advocate for Respondents.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 06th February, 2015

PER COURT:

1 These are appeals presented by the State challenging the judgment and award passed by the Reference Court on 25.02.2013 determining value of acquired land at the rate of Rs.24/- per square feet.

2 It is noticed on perusal of the judgment delivered by the Reference court that lands from village Kanheri were acquired for public purpose by initiating proceedings for acquisition and

notification, under Section 4 of the Land Acquisition Act in respect of lands situate at village Kanheri, was issued on 04.01.1984. The claimants agitated their grievance in respect of inadequate compensation awarded by the Land Acquisition Officer by presenting Reference Applications and the Reference Court directed enhancement in the amount of compensation, which was subject matter of challenge in the first appeal presented by the State. The Land Acquisition Officer awarded compensation at the rate of Rs.33/- per square feet. The challenge raised to the award of compensation by the Reference Court was turned down in the appeal presented by the State in this Court and as such, award passed by the Reference Court was maintained.

3 In the instant matter, lands acquired are situate at village Khopegaon, which is adjacent village of Kanheri in Latur district. Both the villages i.e. Khopegaon and Kanheri are included in the larger area of Municipal Corporation Latur. The acquisition is for the purposes of resettlement of Project Affected Persons. The Reference Court, dealing with the Reference Applications presented by the claimants, seeking enhancement in the amount of compensation, has considered these aspects and has reached the conclusion that Rs.24/- per square feet would be a reasonable value of the acquired land.

4 In the instant matter, although notification under Section 4 has been issued by the Land Acquisition Officer on 14.07.1993 i.e. after about nine years from the date of Notification issued in respect of acquisition of lands from village Kanheri, the Reference Court has awarded quite less amount of enhancement

and prescribed compensation at the rate of Rs.24/- per square feet. Although in the instant matters, the date of notification is nine years later than the earlier acquisition in respect of village Kanheri, which is a adjacent village, the increase, that has been granted by the Reference Court, is at a lower side and as such, in our view, no interference is called for in the instant appeals. The Reference Court has also considered the fact that even the Land Acquisition Officer, while declaring the award, has taken into consideration non agricultural potential value of the land and awarded compensation at the rate of Rs.51/- per square meter in respect of land acquired from village Khopegaon for submergence of Katpur Dam. The Reference Court has also relied upon the sale instances placed on record by the claimants which indicate the price as on 26.11.1992 at the rate of Rs.273/- per square meter.

5 In view of the facts discussed above, we are of the opinion that the view taken by the Reference Court in directing enhancement while prescribing value of the acquired land @ Rs.24/- per square feet is quite reasonable and proper and the valuation is arrived at on the basis of material placed on record by the claimants before the Reference Court. No interference is called for in these appeals. Appeals are devoid of substance.

6 Appeals stand dismissed.

Pending Civil Applications (for stay) do not survive and stand disposed of.

P.R.BORA
JUDGE

R.M.BORDE
JUDGE