

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL (ST.) NO.35096 OF 2013

1. The State of Maharashtra
Through The Collector,
Beed
2. The Executive Engineer,
M.I.L.S. Division, Beed ..APPELLANTS
(Ori. Respondents)

VERSUS

1. Sukhdeo s/o Mahadu Ghumbre,
Age-major, Occu.Agril.,
R/o Ghata, Tq. Ashti,
Dist. Beed
2. Asaram s/o Mahadu Ghumbre,
Age – major, Occu. Agril.,
R/o Ghata, Tq. Ashti, Dist. Beed ..RESPONDENTS
(Ori. Claimants)

Mr G.R. Ingole, A.G.P. for appellants;
Mr C.K. Shinde, Advocate for respondent No.2

WITH
FIRST APPEAL (ST.) NO.35173 OF 2013

1. The State of Maharashtra
Through The Collector,
Beed
2. The Executive Engineer,
M.I.L.S. Division, Beed ..APPELLANTS
(Ori. Respondents)

VERSUS

1. Sunil s/o Bhimrao Ghumbre,
Age – major, Occu.Agril.,
R/o Ghata, Tq. Ashti, Dist.
Beed

2. Chandrabhan s/o Bhimrao Ghumbre,
Age – major, Occu. Agril.,
R/o Ghata, Tq. Ashti, Dist. Beed ..RESPONDENTS
(Ori. Claimants)

Mr G.R. Ingole, A.G.P. for appellants;
Mr C.K. Shinde, Advocate for respondents No.1 & 2

WITH
FIRST APPEAL (ST.) NO.35181 OF 2013

1. The State of Maharashtra
Through The Collector,
Beed
2. The Executive Engineer,
M.I.L.S. Division, Beed ..APPELLANTS
(Ori. Respondents)

VERSUS

1. Karbhari s/o Dashrath Ghumbre,
Age – major, Occu.Agril.,
R/o Ghata, Tq. Ashti, Dist. Beed
2. Ramrao s/o Dashrath Ghumbre,
Age – major, Occu.Agril.,
R/o Ghata, Tq. Ashti, Dist. Beed
3. Shamrao s/o Dashrath Ghumbre,
Age – major, Occu.Agril.,
R/o Ghata, Tq. Ashti, Dist. Beed ..RESPONDENTS
(Ori. Claimants)

Mr G.R. Ingole, A.G.P. for appellants;
Mr C.K. Shinde, Advocate for respondents No.1 to 3

CORAM : N.W. SAMBRE, J.

DATE : 28th July, 2015

ORAL ORDER :

Heard.

2. With the consent of parties, the appeals are taken up for final disposal at the stage of admission.

3. The present appeals are by the State Government and the acquiring body, questioning the legality and validity of the judgments and awards rendered by the Reference Court on 22nd November, 2011, whereby the compensation payable to the respondents/claimants was enhanced to Rs.2,200/- per R from an amount of Rs.900/- per R, as awarded by the Land Acquisition Officer.

4. Mr Ingole, learned Asstt. Govt. Pleader appearing on behalf of the appellants would urge that the sale instances taken into account by the Reference Court are of the lands which has no proximity with the land acquired and pertain to the small piece of land and as such, according to him, the same are required to be discarded.

5. Mr C.K. Shinde, learned Counsel appearing on behalf of the respondents supports the judgments and awards rendered by the Reference Court, as according to him, appropriate latitude was given while calculating the award amount, based on the sale deeds. According to him,

the impugned judgments and awards are just and proper and the appeals are liable to be dismissed.

6. Having bestowed my anxious consideration to the issue involved in the present appeals, it is noted that the area of land acquired in the present matters is ranging between 11 R and 1 Hectare 32 R.

7. The sale instances which are taken into account by the Land Acquisition Officer and which are at Exhs.18, 19 and 20 pertain to the land ad measuring 10 R, which was sold at the rate of Rs.6,000 per R on 26th April, 2002; land ad measuring 29 R which was sold at the rate of Rs.2,586/- per R on 31st October, 2003 and land ad measuring 10 R, which was sold at the rate of Rs.7,500/- R on 30th December, 2003, respectively.

8. Admittedly, in the present case, notification under section 4 of the Land Acquisition Act came to be issued on 6th April, 2006.

9. The sale instances even if are not pertaining to the lands located adjoining to the lands under acquisition, yet appropriate latitude qua sale price as was fixed in the sale deeds at Exhs.18, 19 and 20 was given by the Reference Court. The Reference Court, instead of granting compensation at the rate which was fixed in the sale deeds, has reduced

the same practically to Rs.2,200/- per R, particularly having guess work that is permissible in view of the judgment of the Apex Court, in the matter of **Ravinder Narain & anr. vs. Union of India**, reported in **2003 AIR SCW 1491**.

10. Apart from above, the Reference Court was alive to the fact that the sale instances were of 2003, whereas the notification under section 4 of the Land Acquisition Act, issued in the instant matter, is of 2006. Thus, the enhancement as ordered by the Reference Court is based on valuable considerations.

11. In view of above, no illegality could be noticed in the impugned judgments and awards. Thus, the appeals fail and stand dismissed with no order as to costs.

12. In view of dismissal of the appeals, all pending Civil Applications stand disposed of.

(N.W. SAMBRE, J.)

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