

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

FIRST APPEAL No. 758 of 2006

(State of Maharashtra through Special Land Acquisition Officer, Iwad, Buldhana Vs. Sakhamam
Tukaram Punde and anr.)

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri H. D. Dubey, AGP for the State/appellant
Shri A. V. Bhide, Advocate for respondents

CORAM: A. S. CHANDURKAR J.

DATED: 7-4-2015.

Heard learned counsel for the parties finally in view of the short issue involved.

2. This appeal filed under Section 54 of the Land Acquisition Act, 1894 takes exception to the enhancement of compensation by the Reference Court.

3. Land to the extent of 0.29 R from Gat No. 243 was acquired on the basis of award dated 31-10-1996. The Land Acquisition Officer granted compensation at the rate of 32,500/- per Hectare. In reference proceedings, the same was enhanced to Rs. 68,000/- per Hectare.

4. Shri Dubey, learned Assistant Government Pleader appearing for the appellant submitted that the reference Court

was not justified in enhancing the compensation as there was no evidence to support such enhancement. It was submitted that enhancement as granted is on higher side.

5. Shri Bhide, learned counsel appearing for the respondents submitted that the evidence on record in the form of revenue records and valuation report supported the enhancement of compensation.

6. The following point arises for consideration.

Whether a case is made out for reducing the amount of enhanced compensation ?

7. I have heard the respective counsel and I have gone through the material available on record. The Reference Court has referred to the proceedings in Land Acquisition Case No. 102/1997 in respect of lands situated in the same village wherein compensation was granted at Rs. 68,000/- per Hectare. Similarly, the revenue records at Exhibits 24 and 25 indicated that land was irrigated. The valuation report at Exhibit 26 indicated value of the land at Rs. 68,000/- per Hectare. In the light of this evidence available on record, it cannot be said that the Reference Court has erred in enhancing the compensation at Rs. 68,000/- per Hectare. The point as framed

is, therefore, answered in negative. Hence, the following order is passed.

ORDER

(i) Judgment dated 29-11-2001 passed by the Reference Court in Land Acquisition Case No. 101/1997 stands confirmed.

(ii) The first appeal is dismissed with no order as to costs.

(iii) Pending civil applications also stand disposed of.

JUDGE

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