

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

FIRST APPEAL NO.185 OF 2002

WITH

FIRST APPEAL NO.187 OF 2002

WITH

FIRST APPEAL NO.192 OF 2002

WITH

FIRST APPEAL NO.201 OF 2002

WITH

FIRST APPEAL NO.206 OF 2002

FIRST APPEAL NO.185 OF 2002

1. Usmankhan Daulatkhan

Aged about 50 years,

Occupation – Cultivator.

2. Lukmankhan Daulatkhan,

Aged about 45 years,

Occupation – Cultivator,

Both Resident of Lakhanwada,

Taluka Khamgaon, District Buldana.

..... **Appellants.**

:: versus ::

State of Maharashtra through

Collector, Buldana,

District – Buldana.

..... **Respondent.**

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Dr. Anjan De, Counsel for the Appellant/s.

**Mrs. N.M. Hiwase, Assistant Government for the Respondent-
State.**

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FIRST APPEAL NO.187 OF 2002

1. Mehmood Ysufkhan,
Aged about 24 years.

2. Hamidkhan Yusufkhan,,
Aged about 22 years,

3. Khairrunnisa W/o Ysufkhan,
Aged about 55 years.

All Cultivator and
Resident of Lakhanwada,
Taluka Khamgaon, District Buldana.

.... **Appellants.**

:: versus ::

State of Maharashtra through
Collector, Buldana, District Buldana.

..... **Respondent.**

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Dr. Anjan De, Counsel for the Appellant/s.

**Mrs. N.M. Hiwase, Assistant Government for the Respondent-
State.**

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FIRST APPEAL NO.192 OF 2002

Sardarkhan Afzalkhan,
Aged about 60 years,
Occupation – Cultivator,
Resident of Lakhanwada, Taluka
Khamgaon, District Buldana.

..... **Appellant.**

:: versus ::

State of Maharashtra through
Collector, Buldana,
District Buldana.

..... **Respondent.**

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Dr. Anjan De, Counsel for the Appellant/s.
Mrs. N.M. Hiwase, Assistant Government for the Respondent-
State.

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FIRST APPEAL NO.201 OF 2002

Hasankhan Nawajkhan,
Aged Adult, Occupation – Cultivator,
Resident of – Lakhanwada, Taluka Khamgaon,
District Buldana.

..... **Appellant.**

:: versus ::

State of Maharashtra through Collector,
Buldana, District Buldana.

..... **Respondent.**

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Dr. Anjan De, Counsel for the Appellant/s.
Mrs. N.M. Hiwase, Assistant Government for the Respondent-
State.

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FIRST APPEAL NO.206 OF 2002

1. Mohammad Shafique Mohammad
Khan, Adult.

2. Mohammad Khalil Mohammad
Ikram, Adult.

Both – Cultivator and
Resident of Lakhanwada, Taluka
Khamgaon, District Buldana.

..... **Appellants.**

:: versus ::

State of Maharashtra through
Collector, Buldana,
District – Buldana.

..... **Respondent.**

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Dr. Anjan De, Counsel for the Appellant/s.
Mrs. N.M. Hiwase, Assistant Government for the Respondent-
State.

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CORAM : A. S. CHANDURKAR, J.

DATE : APRIL 20, 2015

COMMON JUDGMENT.

1. These first appeals can be conveniently decided by this common judgment in view of the fact that reference proceedings arise from the same award and the nature of evidence on record is similar.

2. The relevant details like identity of the lands, gat No, areas acquired, names of the landowners, compensation awarded by the Special Land Acquisition Officer, dates of decision, compensation

.....5/-

awarded by the Reference Court etc. are reproduced below in a tabular form, thus :

Sr. No	First Appeal Nos.	Gat No.	Area Acquired (H.R.)	Names of owners	Compensation awarded by SLAO	Date of Decision	Compensation by Reference Court
1	185/02	355	0.88	Usmankhan Daulakkhan	Rs.24,000/- P.H.	6.12.01	Rs.40,000/- P.H.
2	187/02	354	1.73	Mehmood Ysufkhan Hamidkhan Yusufkhan Khairrunnisa Ysufkhan	Rs.24,000/- P.H.	6.12.01	Rs.40,000/- P.H.
3	192/02	285	1.30	Sardarkhan Afzalkkhan	Rs.27,000/- P.H.	3.12.01	Rs.40,000/- P.H.
4	201/02	64	1.10	Hasankhan Nawajkhan	Rs.17,000/- P.H.	21.11.01	Rs.35,673/- P.H.
5	206/02	312	0.94	Mohd. Shafique Mohd. Khan Mohd. Khalil Mohd. Iram	Rs.24,000/- P.H.	14.12.01	Rs.40,000/- P.H.

Each of claimants examined himself in support of prayer for enhancement. The Reference Court, after considering the evidence on record, enhanced the amount of compensation as aforestated. Hence, the appellants / claimants, being aggrieved by amount of compensation awarded by the Reference Court vide reference under

Section 18 of the Land Acquisition Act, 1894 (for short, “*the said Act*”), have filed these present appeals.

3. Dr. Anjan De, learned counsel for the appellants, submitted that the Reference Court was not justified in restricting amount of compensation as aforestated. He submitted that there was sufficient evidence on record to indicate that lands in question were irrigated lands in which cash crops were grown. He further submitted that the evidence that was available from the records of the Land Acquisition Officer was not taken into account by the Reference Court. He, therefore, submitted that amounts of compensation, as awarded, deserve to be further enhanced.

4. Mrs. N.M. Hiwase, learned Assistant Government Pleader appearing for the respondent / State, opposed the aforesaid submissions. It was submitted that the claimants did not lead any satisfactory evidence to justify enhancement at the rate of Rs.1,00,000/- per Hectare. It was further submitted that the enhancement as granted by the Reference Court was after considering all evidence available on record. It was further submitted that no case

was made out for further enhancing amount of compensation.

5. The point, that arises for consideration in these appeals, is : Whether any case is made out for further enhancing the amount of compensation as awarded by the Reference Court?

6. I have carefully considered the respective submissions and gone through the records of each case. As stated above, each of claimants examined himself in support of prayer for enhancement. These claimants stated that crops like Sugarcane, Banana and Cotton were being taken. Income of Rs.2,00,000/- per year from the lands in question was being earned. A reference was also made to the soil testing conducted by an Engineer. In the cross-examination, claimants stated that no accounts regarding income and expenditure from the fields were being maintained. Besides this evidence on record, there is no further evidence led on behalf of the claimants.

7. The revenue records that formed part of the award of the Land Acquisition Officer revealed crops of Groundnut, Sorghum (Jowar) and Pigeon Peas (Toor) were being taken. The Land

Acquisition Officer, in Column No.8 of the statement of acquisition, has referred to the lands as mostly irrigated. It is on this basis that the Land Acquisition Officer granted compensation as aforestated. The Reference Court, in paragraph No.7 of its judgment clearly held that there was no evidence to show of cultivation of "Bagait Crops". It thereafter referred to compensation granted in other land acquisition cases of adjoining lands. On that basis, amount as aforestated came to be granted towards enhancement.

8. Considering the nature of evidence available on record, it cannot be said that the Reference Court erred in granting enhancement in compensation as aforestated. In absence of any cogent evidence to justify any further enhancement in amounts of compensation, there is no scope to grant any further compensation to the claimants. Amounts, as awarded, therefore, appear to be justified and reasonable. The point, as framed, is answered by holding that there is no sufficient evidence on record to justify any further enhancement in the amount of compensation.

9. For aforesaid reasons, the orders passed by the Reference

Court stand confirmed. All the first appeals are, therefore, dismissed with no order as to costs.

JUDGE

!! BRW !!