

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

**FIRST APPEAL NO.314 OF 2001
WITH
CROSS OBJECTION STAMP NO.2608 OF 2003**

The Special Land Acquisition Officer,
M.I.W. Jalgaon.

..APPELLANT
(Ori. Respondent)

VERSUS

Ahilyabai w/o Namdeo Bhil,
Age 41 years, Occupation: Farmer,
Resident of Khadakesim,
Tahsil Erandol, Dist. Jalgaon.

..RESPONDENTS
(Ori. Petitioner)

...

Mr. N.T. Bhagat, AGP for Appellant; Mr. SG Chapalgaonkar,
Mr. R.C. Patil, Advocate for Respondent

CORAM : P.R.BORA, J.
DATE : 20th April, 2016.

ORAL JUDGMENT :

1) The appellant has filed the present appeal, taking exception to the judgment and award passed by the Civil Judge, Senior Division at Jalgaon on 10.04.2000 in Land Acquisition Reference No.380/1998.

2) When the present appeal was taken up for hearing, the learned AGP fairly brought to my notice that other appeals, arising out of same award bearing Nos.310/2001 to 317/2001 have dismissed by this Court vide common order passed in the

said appeals on 16.02.2015.

3) For the reasons stated in the common order passed by this Court on 16.02.2015 in first appeal No.310/2001 with connected appeals, the present appeal also stands dismissed.

4) The original claimants has filed cross objection in the present appeal. Shri R.C. Patil, the learned Counsel appearing for the original claimants submitted that, the reference Court did not consider the the sale instance relied upon by the present claimant. Learned Counsel submitted that, land of the present claimant was adjacent to the land which was the subject matter of the sale instance relied upon by the present claimant. He, therefore, claimed enhancement in the amount of compensation, having regard to the sale instance relied upon by him.

5) I have carefully gone through the Judgment of the reference Court. Before the reference Court, the present claimant had relied upon the sale instance filed at Exhibit 36. The discussion made by the reference Court reveals that, the land which was the subject matter of the sale deed at Exhibit 36 was within the Municipal limits of Erandol. Secondly, it was a small piece of land, and in such circumstances, the said sale instance has not been considered by the reference Court for comparing the value of the land under the Acquisition. Moreover,

though it is the contention of the present claimant that, his land was irrigated land, the discussion made in the judgment shows that, the land of the present claimant was a dry land. The material on record also reveals that, the land of the present claimant, which was the subject matter of the acquisition, was dry land. In such circumstances, it does not appear to me that, the reference Court has committed any error in determining the market value of the land of the present claimant at the rate of Rs.55,555/- per hectare. I do not see any reason to cause any interference in the impugned judgment and Award. The Cross Objection also therefore fails and stands rejected.

(P.R.BORA)
JUDGE

SPR