

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

FIRST APPEAL NO.222 OF 2002

The State of Maharashtra

**...APPELLANT
(Ori. Opponent)**

VERSUS

Digambar Daulatrao Patil,
Age:45 years, Agri. of Sukale
Tq. Pachora, Dist. Jalgaon

**...RESPONDENT
(Ori.Claimant)**

WITH

FIRST APPEAL NO.223 OF 2002

The State of Maharashtra

**...APPELLANT
(Ori. Opponent)**

VERSUS

1. Laxman Govindrao and
2. Vasantrya Govindrao,
Age:52
Agriculturist of Sukale,
Tq. Pachora, Dist. Jalgaon.

**...RESPONDENTS
(Ori.Claimants)**

Mr. S.P. Deshmukh and Mr. S.N. Morampalle,
A.G.Ps. for Appellants in respective matters.
None appears for Respondents though served.

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CORAM: P.R. BORA, J.

DATE : 30TH AUGUST, 2016

ORAL JUDGMENT :

1) Heard learned A.G.Ps. for the Appellant-State in respective matters. None appears for the Respondents. Since both the aforesaid Appeals are arising out of the common Judgment and award passed by the Civil Judge Senior Division, Jalgaon in the Land Acquisition Cases, common argument was heard by me and I deem it appropriate to decide both the appeals by a common reasoning.

2) The lands which are the subject matter of the present Appeals were acquired for construction of Percolation Tank at Sukale, Tahasil Pachora, Dist. Jalgaon. Notification under Section 4 of the

Land Acquisition Act, 1894 (herein after referred to as the "Act") in that regard was published in the Government Gazette on 10th July 1980, whereas, the Award under Section 11 of the Act came to be passed on 5th April, 1983. The Special Land Acquisition Officer (for short "S.L.A.O."), offered the compensation for the land which was the subject matter in L.A.Q. No. 321 of 1984 at the rate of Rs. 8,000/- per hectare whereas, for the land which was the subject matter of L.A.Q. No. 322 of 1984 the price was offered at the rate of Rs. 7,000/- per hectare. Dissatisfied with the compensation so offered the Claimants filed the reference applications under Section 18 of the Act and the same were forwarded to the Civil Court at Jalgaon for adjudication.

3) The Reference Court on the basis of the oral and documentary evidence brought before it, determined the market value of the acquired land at the rate of Rs. 14,000/- per hectare and

enhanced the amount of compensation accordingly. Aggrieved thereby, the State has filed the present Appeal.

4) Shri. S.P. Deshmukh, Learned A.G.P. submitted that the reference Court has awarded un-reasonable enhancement in the amount of compensation without there being any evidence therefore. However, on perusal of the impugned Judgment I do not find any substance in the submission so made by the learned A.G.P. On the contrary it is revealed that the learned Reference Court has appropriately discussed the evidence brought before it and on the basis of the sale instance brought on record by the Claimants has rightly determined the market value of the acquired land and has accordingly enhanced the amount of compensation.

5) The Reference Court had relied on the sale deed at Exhibit 21 which was executed on 21st

January 1981 and the price received in the said transaction was at the rate of Rs. 17,000/- per hectare. Admittedly, no oral or documentary evidence is adduced on behalf of State. Considering the evidence on record, it does not appear to me that any error has been committed by Reference Court in determining the market value of acquired lands. There appears no merit in the present Appeals. Hence, the following order.

O R D E R

- i) Both the Appeals are dismissed.
- ii) No order as to costs.
- iii) Civil Applications if any, stand disposed of.
- iv) The Respondents i.e. original Claimants are permitted to withdraw the amount of compensation deposited, if any, by the

Appellant in this Court, if not already
withdrawn by them.

[P.R. BORA, J.]

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