

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

FIRST APPEAL NO. 745 OF 2007
WITH
CROSS OBJECTION ST. NO.13321 OF 2007

1. The State of Maharashtra
Through Special Land Acquisition
Officer, Nandurbar.
2. The Executive Engineer,
M.I.D.Dhule, Division No.1,
Dhule.

....Appellants.

Versus

Medhalibai Chunilal Kokani
Age : Major, Occ: Farmer,
R/o Songirpada, Tq. & Dist.
Nandurbar.

....Respondent.

WITH
FIRST APPEAL NO. 754 OF 2007
WITH
CROSS OBJECTION ST. NO.13331 OF 2007

1. The State of Maharashtra
Through Special Land Acquisition
Officer, Nandurbar.
2. The Executive Engineer,
M.I.D.Dhule, Division No.1,
Dhule.

....Appellants.

Versus

Suran Dharma Kokani
Age : Major, Occ: Farmer,
R/o Songirpada, Tq. & Dist.
Nandurbar.

....Respondent.

WITH
FIRST APPEAL NO. 755 OF 2007
WITH

CROSS OBJECTION ST. NO.13328 OF 2007

1. The State of Maharashtra
Through Special Land Acquisition
Officer, Nandurbar.
2. The Executive Engineer,
M.I.D.Dhule, Division No.1,
Dhule.

....Appellants.

Versus

Ganu Bhurya Kokani
Age : Major, Occ: Farmer,
R/o Songirpada, Tq. & Dist.
Nandurbar.

....Respondent.

WITH
FIRST APPEAL NO. 756 OF 2007
WITH
CROSS OBJECTION ST. NO.13325 OF 2007

1. The State of Maharashtra
Through Special Land Acquisition
Officer, Nandurbar.
2. The Executive Engineer,
M.I.D.Dhule, Division No.1,
Dhule.

....Appellants.

Versus

Dhedu Bhiva Kokani
Age : 40 years, Occ: Farmer,
R/o Songirpada, Tq. & Dist.
Nandurbar.

....Respondent.

WITH
FIRST APPEAL NO. 757 OF 2007
WITH
CROSS OBJECTION ST NO.13323 OF 2007

1. The State of Maharashtra
Through Special Land Acquisition
Officer, Nandurbar.

2. The Executive Engineer,
M.I.D.Dhule, Division No.1,
Dhule.

....Appellants.

Versus

Chunilal Dharma Kokani
Age : Major, Occ: Farmer,
R/o Songirpada, Tq. & Dist.
Nandurbar.

....Respondent.

Miss. R.P. Gaur, AGP for Appellants.

Shri R.C. Patil, Advocate for Respondents.

CORAM : T.V. NALAWADE, J.

DATED : 14th January, 2016.

JUDGMENT :

1. All the appeals are filed by the State Government to challenge the judgments and awards of Land References, which were pending in the Court of Civil Judge, Senior Division, Nandurbar. Cross objections are filed for enhancement of compensation.

2. This Court has carefully gone through the record and the reasoning given by the Reference Court. The Reference Court has mentioned some sale instances, but the description is not complete of the sale instances. On one hand, the Reference Court has expressed that the sale instances cannot be used, but on the other hand, the Reference Court has given enhancement

in all the proceedings by holding that in the interest of justice, compensation needs to be enhanced. This way compensation cannot be enhanced. Some approved method like the method of sale instances needs to be used for giving enhancement of the compensation. The same can be said in respect of cross objections filed by the original claimants. In view of the vagueness in the judgments and awards of Reference Court, this Court holds that these decisions cannot sustain in law. In the result, the matters are remanded back for fresh trial. The Reference Court is to give opportunity to both the sides to prove their rival cases.

4. In the result, all the appeals are allowed. Cross objections are disposed of accordingly. The matters are remanded back to the Reference Court for fresh trial. The parties are to appear before the Reference Court on 1.3.2016. Reference Court is to dispose of the matters expeditiously and in any case, within six months from the date of receipt of this order.

[T.V. NALAWADE, J.]

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