

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

901 FIRST APPEAL NO.2945 OF 2015

BHAGUBAI KARBHARI SHELAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Adv.for Appellant : Mr. Pahune Patil Nandkishor
J.

Mr.G.O.Wattamwar, AGP for Respondents: 1

CORAM : P.R.BORA, J.

DATE : 30th November, 2016.

PER COURT :

1) Heard. When the present matter was taken up for hearing, learned Counsel appearing for appellant brought to the notice of this court that some of the connected Land Acquisition References were kept before Lok Adalat and they are settled. Learned Counsel further submitted that in the settlement, which was arrived at in the Lok Adalat, the market value of the land has been given double of the market value as determined by the Special Land Acquisition Officer. One of such order passed in LAR No.

145/2001 is placed on record.

. The learned counsel has, therefore, prayed for enhancement in the amount of compensation on similar lines. The learned counsel further submitted that in the instant matter, the Special Land Acquisition Officer had determined the market value of the acquired land @465/- per Are. The learned Counsel, therefore, prayed for enhancing the compensation by determining the market value double of the said amount, i.e. @ Rs.930/- per Are and to modify the Award accordingly.

. The learned Counsel further submitted that in view of the fact that the well was existing in the acquired land, the claimants are entitled for the market value of the fully irrigated land, however, the applicants are now not pressing the said issue and will be satisfied if the market value, which was determined in the matter settled before the Lok Adalat, is determined in the present matter also.

2) Shri Wattamwar, learned AGP, conceded to the fact that some of the matters are settled before the Lok Adalat. However, the learned AGP submitted that from Award of the Lok Adalat, no such inference can be drawn that the market value was made double in the settlement so arrived at before the Lok Adalat. The learned AGP submitted that the enhancement granted in the Lok Adalat was only to the extent of Rs.420/- per Are. The learned AGP, therefore, submitted that if the same enhancement needs to be granted in the present matter, the compensation can be enhanced to that extent. Thus, according to the learned AGP, the market value of the acquired land can be determined at Rs. 890/- per Are and compensation can be enhanced proportionately.

3) After having considered the submissions and after having gone through the settlement terms arrived at before the Lok Adalat, it appears to me that the market value of the acquired land was doubled in the said

settlement. In the matter which was settled before the Lok Adalat, the Special Land Acquisition Officer had fixed the market value @ Rs. 425/- per Are. The same was doubled in the settlement arrived at before the Lok Adalat. It appears from the E-statement also that considering the quality of the acquired land, some variances are there in determining the market value. However, there is no reason to disbelieve that the State has settled the matters before the Lok Adalat by giving double amount of the market value as was determined by the Special Land Acquisition Officer. I, therefore, do not see any reason for not adopting the said course. The applicants are, therefore, entitled to receive the market value of their acquired lands at the double rate as was given by the Special Land Acquisition Officer. In the instant matter, since the Special Land Acquisition Officer had determined the amount of compensation by determining the market value @ Rs.465/- per Are, the same is enhanced to Rs.930/- per Are. Save

and except the enhancement in the amount of compensation, as aforesaid, the other part of the Award shall remain as it is.

4) The First Appeal is disposed of in the aforesaid terms.

(P.R.BORA)
JUDGE

bdv/