

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE, BENCH AT AURANGABAD

FIRST APPEAL NO. 1525 OF 2015

The Executive Engineer, Medium Project
Division, Osmanabad, Through Maharashtra
Krishna Valley Development Corporation

APPELLANT

V E R S U S

The State of Maharashtra, Through the
Collector, Osmanabad & two others

RESPONDENTS

Mr. Gulab B. Rajale, Advocate for the Appellant
Mr. S.P. Sonpawale, A.G.P. for the Respondent Nos. 1 & 2 - State
Mr. A.S. More, Advocate for Respondent No. 3

WITH

FIRST APPEAL STAMP NO. 16644 OF 2014

The Executive Engineer, Medium Project
Division, Osmanabad, Through Maharashtra
Krishna Valley Development Corporation

APPELLANT

V E R S U S

Pandhari @ Pandharinath Narsu Bhore,
Aged 67 Years, Occ. Household, R/o. Jamb,
Taluka Bhoom, District Osmanabad & Anr.

RESPONDENTS

Mr. S.G. Sangle, Advocate for the Appellant
Mr. A.S. More, Advocate for Respondent No. 1
Mr. S.P. Sonpawale, A.G.P. for Respondent No. 2 - State

CORAM : A.V. NIRGUDE, J.

DATE : 24th August, 2016

PER COURT :

1. Heard both the sides. The delay of 135 days for filing First Appeal stands condoned. In view of this, Civil Application No. 5382 of 2015 stands allowed.

2. Both the Appeals can be disposed of by this common order.

3. Both these Appeals challenge separate Judgment and Award dated 20th November, 2013, passed by the learned Joint Civil Judge, Senior Division, Osmanabad, in L.A.R. Nos. 323 of 2007 and 321 of 2007.

4. Both these Appeals are filed by the Acquiring Body. According to the appellants, the amount awarded by the Reference Court is exorbitant and unjust. I perused the Judgments in question and found that the learned Judge of the Reference Court placed reliance on the sale-deed dated 28th November, 1996. The sale-deed dated 28th November, 1996 of the land in the same village was sold for Rs.2,22,222/- Per Hectare. The sale-deed was executed five years prior to Notification under Section 4 of the Land Acquisition Act. The Reference Court awarded compensation at the enhanced rate @ Rs.2 Lac per Hectare. The question before me in these Appeals is, what could be the market value of the lands on the day of Notification under Section 4 of the Land Acquisition Act. The Reference Court awarded compensation at the enhanced rate @ Rs.2 Lac per Hectare.

5. The question before me in these Appeals is, what could be the market value of the reference lands on the day of Notification under Section 4 of the Land Acquisition Act. The learned Judge of the Reference Court appears little bit cautious while disposing of this Reference. He has awarded only Rs.2 Lac per Hectare though similarly situated land was sold for more than Rs.2 Lac per Hectare about five years earlier. He could have certainly enhanced the compensation even or about Rs.2 Lac per Hectare, but since he has taken a cautious approach, I think the finding recorded by the learned Judge of the Reference Court cannot be said to be incorrect. Similar view is taken by this Court in First Appeal St. No. 20940 of 2014. The Appeals should therefore fail. Both the Appeals stand dismissed.

In view of dismissal of First Appeal Stamp No. 16644 of 2014, Civil Application No. 5383 of 2015 stands disposed of.

(A.V. NIRGUDE, J.)