

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

**FIRST APPEAL NO. 399 OF 2016
WITH
CA/13535/2012 IN FA/399/2016**

THE PRINCIPAL, CENTRAL RESERVE POLICE FORCE
AND TRAINING COLLEGE, MUDKHED
VERSUS
POTLING KINDIBA BISMILE AND ORS

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Advocate for Appellants : Mr Mr D G Nagode
AGP for Respondents 3,4 : Mr K D Mundhe
Advocate for Respondents 1,2 : Mr D R Bhadekar

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WITH

**FIRST APPEAL NO. 400 OF 2016
WITH
CA/12933/2012 IN FA/400/2016**

THE PRINCIPAL, CENTRAL RESERVE POLICE FOR AND
TRAINING COLLEGE, MUDKHED
VERSUS
LAXMAN SAMBHAJI GUNTHER AND OTHERS

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WITH

**FA/1430/2016
WITH
CA/13533/2012 IN FA/1430/2016**

THE PRINCIPAL, CENTRAL RESERVE POLICE FOR AND
TRAINING COLLEGE, MUDKHED
VERSUS
LALSING S/O CHANDAR JADHAV AND OTHERS.

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WITH

FA/1431/2016

WITH

CA/13531/2012 IN FA/1431/2016

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THE PRINCIPAL, CENTRAL RESERVE POLICE FOR AND
TRAINING COLLEGE, MUDKHED

VERSUS

LALSING LAKIHIRAM RATHOD AND OTHERS.

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Advocate for Appellants : Mr D G Nagode
AGP for Respondents State: Mr K D Mundhe
Advocate for Respondents : Mr D R Bhadekar
(in all appeals)

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CORAM : V.K. JADHAV, J.

Dated: April 11, 2016

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PER COURT :-

1. All these first appeals arises out of the same Award and the lands Acquired are parts of the same notification. All these appeals are decided by this common order.

2. Lands of the claimants came to be acquired for the establishment of Central Reserve Police Force and Training College, Mudkhed, District Nanded.

3. The notification u/s 4 came to be issued on 30.3.1993 and possession of lands were taken on

25.3.1994. Special Land Acquisition Officer has passed Award in August, 1997. The Special Land Acquisition Officer has awarded compensation at the rate of Rs.66,550/- per hector for the land acquired in First Appeal No.399/2016 and First Appeal No.400/2016. So far as the acquired land which is the subject matter of First Appeal No.1430/2016 and First Appeal No.1431/2016 are concerned, the Special Land Acquisition Officer has awarded the compensation @ Rs.70,000/- per hector. Being aggrieved by the same, the claimants have filed Reference Petition u/s 18 of the Land Acquisition Act.

4. The Reference Court has enhanced the compensation and granted compensation @ Rs.82,000/- per hector for the acquired lands which are the subject matter of First Appeal No.399/2016 and First Appeal No.400/2016. The Reference Court granted compensation @ Rs.85,000/- per hector in respect of the acquired lands which are the subject matter of First Appeal No.1430/2016 and First Appeal No.1431/2016.

5. Mr. Nagode, the learned counsel for the appellant submits that the sale deeds relied by the Reference Court while enhancing the compensation amount is misplaced. Learned counsel further submits that the lands under the sale deeds are at a distance of one to two kilometers from the acquired land. Learned counsel submits that the sale instances are after the date of notification under section 4 and the same cannot be considered. The learned counsel submits that the Special Land Acquisition Officer has taken into consideration all facets of the matter and rightly granted the compensation.

6. Learned counsel appearing for the respondents/claimants submits that, the land under the sale instances are of the same village of the acquired land. Learned counsel submits that, the Reference Court has considered this aspect and accordingly enhanced the compensation.

7. With the assistance of learned counsel, I have gone through the Judgment and record and proceeding.

8. Enhancement granted is meager. Enhancement is hardly by Rs.6,000/- per acre.

9. There are three sale instances produced before the Reference Court in respect of the lands situated in the same village. The sale instance Exh.30 cannot be considered as it is after the notification under section 4 of the Land Acquisition Act.

10. The sale instance Exh.29 is about a year prior to the notification under section 4. It is of the same village of the acquired land. It would be seen that 1 Hectare land was sold for Rs.1,10,000/- on 25.6.1992. So also, sale instance at Exh.31 is also prior to the notification under section 4, it would be seen that 1 acre of land was sold for Rs.44,000/- i.e. more than Rs.1,00,000/- per hectare. The Court has taken into consideration the fact that in sale instance Exh.31, there appears to be a share in the well. Another sale deed at Exh.32 is also on record, it is shown that 1 Hectare land was sold for amount of Rs.1,00,000/-. The Reference Court has considered the situation of the property and has granted

compensation only at Rs.70,000/- per Hectare to the lands for which the Special Land Acquisition Officer had granted compensation at the rate of Rs.55,000/- per hectare and for the lands for which the Special Land Acquisition Officer has granted Rs.70,000/-, granted compensation at the rate of Rs.85,000/- per hectare. It was for the reason that those lands were situated near the Railway Station, which factor was considered by the Special Land Acquisition Officer, also. The Court has taken into consideration said sale instances and has even not granted the compensation at the rate of the sale instances, but at the reduced rate.

11. It appears from the evidence recorded before the Reference Court that the Reference Court has not committed any error while partly enhancing the amount. It further appears that the enhancement is reasonable one based upon sale instances on record in respect of the land situated in the same village.

12. In two of the matters out of these, no doubt acquiring body is not made party, which is a necessary

party. As I have considered that only a reasonable compensation has been awarded by the Reference Court in all these appeals, and that in all other matters from said group acquiring body was party and same amount of compensation would be quantified. I am not inclined to remit those two matters.

13. This Court in First Appeal No. 121 of 2012 with connected first appeals has considered the appeals preferred by the Acquiring Body in respect of the same Award and accordingly, confirmed the Award passed by the Reference Court.

14. In view of the above, all these first appeals are dismissed, however, in the circumstances, there shall be no order as to costs.

15. In some of the matters, the appellant has deposited the amount in this Court. Learned counsel submits that, if the amount is deposited, said amount be transmitted to the Executing Court. Registry to transmit the said amount to the Executing court.

16. In view of dismissal of first appeals itself, all Pending Civil Applications stand disposed of. No costs.

(V.K. JADHAV, J.)

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