

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

FIRST APPEAL NO.65 OF 2008

1. The Special Land Acquisition Officer,
M.I.P., Dhule.
2. The Collector, Dhule.
3. The State of Maharashtra.

... **APPELLANTS**
(Ori. Respondents)

VERSUS

Sonaji Vakroddin Vasave (deceased)
Through his Legal Heirs:

1. Mangesh Sonaji Vasave,
 2. Ramdas Sonaji Vasave,
 3. Jayantibai w/o Sonaji Vasave,
 4. Ahilyabai w/o. Koma,
 5. Bhinabai w/o. Vijaya,
- All are Agriculturists,
All R/o. Ranzani,
Tq. Akkalkuwa, Dist. Dhule..

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

WITH

FIRST APPEAL NO.66 OF 2008

1. The Special Land Acquisition Officer,
M.I.P., Dhule.
2. The Collector, Dhule.
3. The State of Maharashtra.

... **APPELLANTS**
(Ori. Respondents)

VERSUS

Karma Mohilya Vasave,
Age- 38 years, Occu. Agriculturist,

R/o. Ranzani, Tal. Akkalkuwa,
Dist. Dhule..

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

WITH
FIRST APPEAL NO.67 OF 2008

1. The Special Land Acquisition Officer,
M.I.P., Dhule.
2. The Collector, Dhule.
3. The State of Maharashtra.

... **APPELLANTS**
(Ori. Respondents)

VERSUS

Shetu Barkya Vasave,
Age- 50 years, Occu. Agriculturist,
R/o. Ranzani, Tal. Akkalkuwa,
Dist. Dhule.

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

WITH
FIRST APPEAL NO.68 OF 2008

1. The Special Land Acquisition Officer,
M.I.P., Dhule.
2. The Collector, Dhule.
3. The State of Maharashtra.

... **APPELLANTS**
(Ori. Respondents)

VERSUS

Mangesh Sonaji Vasave,
Age- 32 years, Occu. Agriculturist,
R/o. Ranzani, Tal. Akkalkuwa,
Dist. Dhule...

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

WITH
FIRST APPEAL NO.69 OF 2008

* * *

1. The Special Land Acquisition Officer,
M.I.P., Dhule.
2. The Collector, Dhule.
3. The State of Maharashtra.

... **APPELLANTS**
(Ori. Respondents)

VERSUS

1. Tedy Shidya Vasave,
Age- 30 years,
2. Girdhar Shidya Vasave,
Age - 28 years,
3. Sanga Shidya (Minor)
Through G.A.L. Teyda Shidya Vasave,
Age- 30 years, Occu. Agriculturist,
All R/o. Ranzani, Tal. Akkalkuwa,
Dist. Dhule...

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

WITH
FIRST APPEAL NO.70 OF 2008

* * *

1. The Special Land Acquisition Officer,
M.I.P., Dhule.
2. The Collector, Dhule.
3. The State of Maharashtra.

... **APPELLANTS**
(Ori. Respondents)

VERSUS

1. Punya Ukhadya Vasave,
Age- 37 years, Occu. Agriculturist,
R/o. Ranzani, Tal. Akkalkuwa,
Dist. Dhule.

2. Shevanti D/o Ukhadya Vasave,
Age- 40 years, Occu. Agriculturist,
R/o. Ranzani, Tal. Akkalkuwa,
Dist. Dhule...

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

WITH
FIRST APPEAL NO.71 OF 2008

* * *

1. The Special Land Acquisition Officer,
M.I.P., Dhule.
2. The Collector, Dhule.
3. The State of Maharashtra.

... **APPELLANTS**
(Ori. Respondents)

VERSUS

1. Surji Isarya Vasave (deceased)
L.R.s.

1-A Kathu Surji Vasave, Aged.
1-B Jerma Surji Vasave, Aged
1-C Lotu Surji Vasave, Aged.
2. Nuraji Isarya Vasave,
Age- 25 years,
3. Ushibai w/o Virji Vasave,
Age- 22 years,
4. Chhagan Virji Vasave,
Age- 20 years,
All are Agriculturists,
All R/o. Ranzani, Tal. Akk'kuwa,
Dist. Dhule.

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

AND
FIRST APPEAL NO.72 OF 2008

* * *

1. The Special Land Acquisition Officer,
M.I.P., Dhule.

2. The State of Maharashtra.

... **APPELLANTS**
(Ori. Respondents)

VERSUS

Shaikh Dadu Shaikh Kadar,
Age- 55 years, Occu. Agriculturist,
R/o. Raysingpur, Tal. Akkalkuwa,
Dist. Dhule...

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

Mr. K. N. Lokhande, AGP for the Appellants.
Mr. B. K. Pawar, Advocate h/f Mr. A. B. Kale, Advocate for the
Respondent/s.

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CORAM:-
DATED:-

T. V. NALAWADE, J.
15th FEBRUARY, 2016.

JUDGMENT:

1. The appeals are filed against the judgment and Award of various land references which were pending before Civil Judge, Senior Division, Shahada, District Nandurbar. The State has challenged the decisions as compensation is enhanced by Reference Court. Heard learned A.G.P.

2. Notification under section 4 of Land Acquisition Act was published in official gazette on 19th April, 1990. The Special land Acquisition Officer gave the rate of Rs.9,000/- per Hectare by presuming that the lands of the present

respondents were Jirayat lands. The Reference Court has enhanced this amount to make it Rs.20,000/- per Hectare.

3. The original claimants have given evidence that they were getting income of Rs.20,000/- per Acre by taking crops like Jawar, cotton etc. and they had irrigation facility and they were taking two crops every year. They have also given oral evidence that the market price for 1 Acre in that area was around Rs.35,000/-.

4. It appears that the claimants gave only oral evidence and there was no sale instance in support of their case on market price. The Reference Court has held that the acquired lands were Jirayat in view of the nature of crops taken in those lands. The Reference Court has further held that the claimants could have made income of atleast Rs.4,000/- per Hectare from acquired land by taking the crops mentioned in the revenue record. The Reference Court deducted 50% amount towards the cost of cultivation and then 10 is adopted as multiplier for ascertaining market price. Thus, capitalisation method is used by Reference Court and it is presumed that the annual income from 1 Hectare land was Rs.2,000/- and such profit was made in the year 1990. It can

be said that the claimants could have produced the record of agricultural department to show the average yield of various crops of that area. Though that was not done, the Reference Court has considered the oral evidence and has made aforesaid observations. Nothing in rebuttal is given. The amount of Rs.20,000/- per Hectare as the price of the land situated in that village is certainly on lower side. This Court has no hesitation to observe that much more amount could have been given if the matter was properly conducted for the claimants and evidence of some sale instances was given. This Court has no reason to interfere in the decision. At the relevant time it was the settled position that 10 can be adopted as a multiplier in method of capitalisation to ascertain the market price.

5. In the result, the appeals stand dismissed.

(T. V. NALAWADE, J.)

Dated: 15/02/2016.
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