

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 FIRST APPEAL NO. 2724 OF 2016

SAYRABI SABERMIYA DESHMUKH DIED THR LRS SURAIYABI
ANDOTHERS
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

with

11 FIRST APPEAL NO. 2725 OF 2016

JALILMIYA FAKIRMIYAN DESHMUKH AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Appellants : Adkine S.k.
AGP for Respondents: Y.G. Gujrathi

...

CORAM : P.R. BORA, J.
DATE : 29-11-2016.

P.C. :

1. Heard Shri S.K. Adkine, the learned counsel appearing for the appellants and Shri Y.G. Gujrathi, learned A.G.P. appearing for the respondent-state. The present appeals are filed seeking enhancement in the amount of compensation awarded by the learned Reference Court in L.A.R. No. 375 of 2010 and L.A.R. No. 422 of 2009 both decided on 27.10.2014 vide common judgment and award.

2. In the present appeals, though, it is the contention of the appellants that, the reference court has not awarded adequate

amount of compensation and hence the same needs to be enhanced, the contention so raised is liable to be rejected, in view of the fact that, the reference court has determined the market value of the acquired lands on the basis of the evidence placed on record and relied upon by the present appellants. The evidence on record reveal that, the present appellants have filed before the reference court the certified copy of the judgment in L.A.R. No. 420 of 2009 with connected L.A.R.'s which is marked as exhibit-62. The said judgment was relied upon by the appellants-claimants to substantiate their claim.

3. It was the contention of the appellants-claimants that, the land which was the subject matter of L.A.R. No. 420 of 2009 was of village Charner, Taluka Sillod and was acquired for the same purpose vide notification under Section 4 of the Land Acquisition Act published on 02.01.2006 and the award under Section 11 of the Act was published on 24.04.2008. The lands which are the subject matter of the present appeals were also acquired vide notification under Section 4 of the Act published on 02.01.2006 and award under Section 11 of the Act was passed on 24.04.2008. For this reason the appellants-claimants had relied upon the judgment and order passed in L.A.R. No. 420 of 2009. The impugned judgment reveals that the reference court had accepted the contention of the appellants-claimants and has determined the market value of the acquired lands on the basis of the judgment and order passed in

L.A.R. No. 420 of 2009 i.e. @ Rs. 6,200/-per R.

4. In view of the fact that, the learned reference court determined the market value of the acquired lands on the basis of the evidence placed on record by the present appellants, now it is not open for the appellants to say that the reference court has not awarded the adequate amount of compensation. Moreover, perusal of the impugned judgment reveals that, the reference court has appropriately considered the evidence on record and has correctly determined the market value of the acquired lands. I, therefore, do not see any merit in the appeals so filed. Both the appeals, therefore, fail and are accordingly dismissed.

(P.R. BORA)
JUDGE