

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**(1) FAST NO.3497/12 & OTHER
918 FIRST APPEAL STAMP NO.3497/2012
WITH
FIRST APPEAL STAMP NO.3493/2012
WITH
CA/5742/2012 IN FAST/3497/2012
WITH
CA/5746/2012 IN FAST/3493/2012**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV. BEED
VERSUS
ANIRUDH BAPUSING BAYAS AND ORS

...
Advocate for Applicant : Mr.Chawre Anand
AGP for Respondent State: Mr. S.N.Ganachari
Mr.Naikwade Shivaji K., Adv., for respondent nos. 1 and 2.

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CORAM : P.R. BORA, J.
Dated: June 20, 2017

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PER COURT :-

1. As undertaken by the parties, the matter is finally heard at admission stage. Shri Chavare, learned Counsel, submits that the Special Land Acquisition Officer has, after considering the overall circumstances, offered the compensation by determining the market value of the acquired lands ranging from Rs.180/- per Are to Rs.195/- per Are. Learned Counsel submitted that the Reference Court has enhanced it to Rs.480/- per Are without there being any cogent and sufficient evidence and, as such, the impugned judgment and award needs to be set aside and the price and the amount of compensation as was determined by the Special Land Acquisition Officer needs to be confirmed.

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2. Shri Naikwade, learned Counsel, countered the submissions made on behalf of the acquiring body. Learned Counsel submitted that sufficient evidence was produced on record by the claimants on the basis of which the Reference Court has determined the market value of the acquired lands at the rate of Rs.484/- per Are. Learned Counsel further submitted that the lands were acquired in the year 1994. Learned Counsel further submitted that all the lands involved in the present appeals are small pieces of land except one. Learned Counsel submits that the lands acquired were of 10 Are, 8 Are and in only one matter, land acquired is more than one hectare. Learned Counsel further submits that the highest enhancement is of Rs.80,000/- whereas lowest is Rs.3986/-. Learned Counsel submitted that in such circumstances, no interference may be called for in the judgments and awards impugned in the present appeals.

3. I have carefully perused the awards impugned in the present appeals. It appears that the Reference Court has duly considered the evidence which was adduced before it by the claimants and based on the said evidence, has determined market value of the acquired lands. Admittedly, no evidence was adduced on behalf of the acquiring body or the State to support their contentions raised before the Reference Court. Consequently, as has been pointed out by the learned Counsel appearing for the claimants, the highest enhancement granted by the Reference Court is of Rs.80,000/- and the lowest is Rs.3986/-. In view of the

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fact that the lands were acquired some time in the year 1994 and the Reference Court has decided the Reference Applications in 2007, it does not appear to me that this is a case wherein this Court shall cause indulgence. After considering the matter from all angles, it does not appear to me that any interference is required in the awards impugned in the present appeals. Hence, the following order.

ORDER

1. The Appeals stand dismissed, however, without any order as to the costs. Pending Civil Applications, if any, stand disposed of.

(P.R. BORA, J.)

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