

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) FAST NO.5012/16

**11 FIRST APPEAL STAMP NO.5012/2016
WITH
FAST NO.5057/2016**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD
VERSUS
SOPAN DATTU DAWAKARE AND ORS

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Advocate for Applicant : Mr.Sonwalkar Vilas R.
AGP for Respondent State: Mr. S.P.Sonpawale

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CORAM : P.R. BORA, J.
Dated: June 21, 2017

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PER COURT :-

1. FAST No.5057/2016 is not on Board. Taken on Board.
2. Heard learned Counsel appearing for the appellants. Learned Counsel submitted that the Reference Court has unreasonably enhanced the amount of compensation. However, when I perused the impugned judgment, it is revealed that the total amount of compensation as has been enhanced by the Reference Court in the impugned award in total is Rs.58,300/-. Perusal of the impugned judgment further reveals that the acquired land which was the subject matter of LAR No.391/2003 was admeasuring 41 R. whereas the land involved in LAR No.386/2003 is admeasuring only 7 R. The Land Acquisition Officer had awarded compensation of Rs.22,000/- each to the claimants of the said lands and the Reference Court has enhanced the said amount to Rs.58,000/- in total. Thus the amount of enhanced compensation is Rs.14,000/- only. Having regard to the

agp/-

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fact that the amount of compensation as enhanced by the Reference Court is meager and when apparently there appears no mistake on the part of the Reference Court in determining the market value, it does not appear to me that any case is made out by the acquiring body even for issuance of the notice to the respondents. The First Appeals on Stamp number are, therefore, liable to be dismissed in limine and accordingly are dismissed. No costs.

(P.R. BORA, J.)

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