

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

33 CIVIL APPLICATION NO.5314 OF 2012  
IN  
FAST/10423/2012  
WITH  
CA/5315/2012 IN FAST/10423/2012

EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicant : Mr. Surwase B.R.  
Mr. SP Sonpawale, AGP for Respondent No.1;  
Resp.Nos. 2 & 3 are duly served.

-----

**CORAM : P.R.BORA, J.**

**DATE : 19<sup>th</sup> June, 2017.**

**PER COURT :**

1) Heard Shri Surwase, learned Counsel  
appearing for the acquiring body.

2) Delay of 2268 days has occurred in  
filing the present appeal by the acquiring body.  
The learned Counsel for the acquiring body  
submitted that the acquiring body was represented  
by Asstt. Govt. Pleader before the Reference  
Court and it did not get an opportunity to engage  
its own counsel and to defend the matter. The

learned Counsel further submitted that even the decision was not communicated to the acquiring body for a long time and as such, the appeal could not be filed within period of limitation. The learned Counsel, therefore, prayed for condoning the delay and giving an opportunity to the acquiring body to agitate the appeal on merits.

3) I have carefully perused the contents of the application. Apparently, I do not find any substance in the contentions raised in the application. The submissions made by learned Counsel, that the acquiring body was not properly represented, cannot be accepted in view of the fact that the learned AGP has represented the acquiring body in the reference proceedings. The acquiring body was having opportunity to lead its own evidence before the Reference Court, however, that has not been done. Apart from these aspects, when I looked into the merits of the contentions raised in exception to the

impugned judgment, it is noticed that the Special Land Acquisition Officer had offered the compensation to the claimant/s @ Rs.365 per Are and the Reference Court has enhanced it to Rs. 440/- per Are. The judgment of the Reference Court reveals that it has considered the evidence and more particularly the sale instances and has accordingly determined the market value.

4) After having gone through the discussion made by the Reference Court, it does not appear to me that the Reference Court has committed any error in determining the market value of the acquired land @ Rs.440/- per Are. The enhancement so granted by the Reference Court is adequate and cannot be said to be on higher side or unreasonable. In the circumstances, otherwise also there appears no merit in the appeal so filed. So on both these counts, there seems no case for the acquiring body. For the reasons stated above, the application stands rejected. Consequently, the appeal which is on stamp number

is also rejected. Pending civil application, if any, stands disposed of.

**(P.R.BORA,J.)**

bdv/