

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL (ST.) NO. 19253 OF 2015
WITH
CIVIL APPLICATION NO. 9539 OF 2015

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
DNYANOBA TUKARAM GUTTE AND ANOTHER

...
AGP for Applicants : Mr. C.V. Dharurkar

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CORAM : V. K. JADHAV, J.
DATED : 18th APRIL, 2017

PER COURT:-

1. Heard learned A.G.P. for the appellants.
2. This first appeal is directed against the judgment and award dated 12.11.2008 passed by the District Judge-2, Ambajogai, District Beed in L.A.R. No. 169 of 1999.
3. Brief facts giving rise to the present appeal are as follows:-
 - a. The land belonging to the claimants situated at village Guttewadi, Tq. Parali, District Beed, came to be acquired by the respondent-State for public purpose, vide notification under Section 4 of the Land Acquisition Act, published on 16.12.1995. The Special Land Acquisition Officer, Beed by award dated 14.2.1997 awarded the compensation at Rs.245/- for the land Gat No. 2 and at Rs.250/- per R for the land Gat

No.3.

b. Being dissatisfied by the compensation awarded by the Special Land Acquisition Officer, Beed the respondents/original claimants sought enhancement of compensation on various grounds by filing Land Acquisition Reference petition, as stated above. It has been contended in the said reference petition that the compensation awarded by the Special Land Acquisition Officer is meager, inadequate and not as per prevailing market value. According to the claimants, at the relevant time, the rate of land was Rs.625/- per R. The Land Acquisition Officer has not considered the sale instances produced by the claimants. The claimants therefore, had prayed for enhancement of compensation for the acquired land.

c. The appellants State and the authorities have strongly resisted the reference petition by filing written statement at Exh.11. It has been contended that the Special Land Acquisition Officer has awarded just and reasonable compensation after holding due inquiry and considering the market price prevailing in the vicinity at the relevant time. The appellants prayed for dismissal of reference petition.

d. The claimants have tendered their evidence in the reference petition. The claimants filed affidavit Exh.13 and relevant documents in support of the said affidavit. The appellants-State has not adduced any

evidence.

e) The learned District Judge-2, Ambejogai by its impugned judgment and award dated 11.2.2008 awarded the compensation at enhanced rate of Rs.625/- per R. Hence, this first appeal by the State.

4. Learned A.G.P. for the appellants submits that the sale instances relied upon for the purpose of enhancement are not properly appreciated qua the nature, proximity, location, quality, classification, potentiality of the land property in question. Learned A.G.P. submits that the reference court has wrongly placed reliance on the evidence adduced by the claimants and their witness and ignored the defence/evidence of the appellants. Learned A.G.P. further submits that the compensation awarded by the S.L.A.O. is just and adequate compensation.

5. On careful perusal of the judgment and award passed by the Reference Court, I find that the Reference Court, after considering the documents produced on record, has rightly observed that the claimants have proved that the compensation awarded by the Special Land Acquisition Officer is inadequate and it needs to be enhanced. Therefore, it is held that the claimant is entitled to claim amount of compensation for their land @ Rs.625/- per R. I find that the reference Court has awarded the enhanced compensation at a very meager rate.

The impugned judgment is well reasoned judgment. I do not find any fault in the judgment and award passed by the Reference Court. Furthermore, the State has also preferred the appeal after an inordinate delay of more than 6 years.

6. In view of above, I do not find any substance in the aforesaid first appeal and the first appeal is accordingly dismissed at admission stage itself.

7. In view of dismissal of first appeal, pending civil application seeking stay is also disposed of.

(V. K. JADHAV, J.)

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