

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**915 FIRST APPEAL STAMP NO.22186/2016
WITH
CA/11471/2016 IN FAST/22186/2016**

Godavari Marathwada Irrigation
Development Corporation Ltd.,
Through Sub-divisional Engineer,
Paithan, Jalvidyut Prakalp sub-division
Sinchan Bhavan Aurangabad
District Aurangabad

**...APPELLANTS
(Ori. Resp. No.2)**

VERSUS

1. Balkrushna s/o. Tulshiram Zinjurde
Age: Major, Occu.: Agri
R/o. Hanumantgaon, Tq. Gangapur,
Dist. Aurangabad

**...RESPONDENT
(Ori. Claimant)**

2. The State of Maharashtra
Through Collector, Aurangabad

**...RESPONDENT
(Ori. Resp. No.1)**

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Advocate for Applicant : Mr.More P. P.
AGP for Respondent State: Mr. R.B.Bagul
Mr.Gore Ravindra Vitthal, Adv., for respondent no.1.

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CORAM : P.R. BORA, J.
Dated: July 11, 2017

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ORAL JUDGMENT:

1. In view of the order passed by this Court while condoning the delay which has occasioned in filing the appeal, the matter is immediately taken up for final disposal at admission stage with the consent of the learned Counsel for the parties.

2. The land admeasuring 1 Hectare. 34 Are was acquired for the purpose of submergence of Jayakwadi Project, at Hanumatgaon, Tq. Gangapur, district Aurangabad. The Special Land Acquisition Officer had offered the compensation at the rate of Rs.555/- per Are for irrigated land and Rs.370/- per Are for non irrigated land. The Reference Court has enhanced the amount of compensation by determining the market value of the acquired land at the rate of Rs.712/- per Are.

3. Shri More, learned Counsel appearing for the acquiring body, assailed the impugned judgment and award on the ground that the market value of the acquired land could not have been determined at the rate of Rs.712/- per Are on the basis of the evidence which has been brought on record by the claimants. Learned Counsel, therefore, prayed for setting aside the impugned judgment and award.

4. Shri Gore, learned Counsel appearing for respondents i.e. original claimants, supported the impugned judgment. Learned Counsel submitted that the claimants have relied upon two sale instances which were duly proved by them and based on the said sale instances, the Tribunal has rightly determined the amount of compensation. Learned Counsel invited my attention to the discussion made by the Reference Court in paragraph no.17 of the impugned judgment and submitted that no interference is warranted in the judgment and award so passed by the Reference Court.

5. I have carefully considered the submissions advanced by the learned Counsel appearing for the respective parties. Perusal of the judgment reveals that two sale

instances were placed on record by the claimants at Exh.52 and Exh.53. The land which is subject matter of Exh.52 was admeasuring 1 Hectare and 31 Are and was sold at the consideration of Rs.62,000/- on 13th of June, 1996. It was, thus, sold at the rate of Rs.475/- per Are. The land which was involved in Exh.53 was admeasuring 40 Are and was sold at the price of Rs.19,000/- i.e. at the rate of Rs.473/- per Are. The lands which were subject matter of Exh.52 and Exh.53 were admittedly dry lands. Sufficient evidence was adduced by the claimants evidencing that the acquired land was irrigated and sugarcane crop was being taken in the said land. Considering the said evidence, the Reference Court has rightly determined the amount of compensation at the rate of Rs.712/- per Are.

6. On perusal of the evidence on record and more particularly, the discussion made by the Reference Court in paragraph no.17 of the judgment, it does not appear to me that the Reference Court has committed any error in determining the market value of the subject land at the rate of Rs.712/- per Are. I, therefore, do not see any reason to cause interference in the judgment and award.

7. The Appeal being devoid of substance, deserves to be dismissed and is accordingly dismissed, however, without any order as to costs. Pending Civil Application/s, if any, stand disposed of.

(P.R. BORA, J.)

AGP/fast22186.16