

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

FIRST APPEAL STAMP NO. 24628 OF 2016

1. The Executive Engineer,
Minor Irrigation Division, Jalna
Dist. Jalna **...APPELLANT**
(Org. R.No.3)
2. The State of Maharashtra
Through, The Collector, Jalna (Org.R.No.1)
3. The Special Land Acquisition Officer,
(B & C) Jalna (Org.R.No.2)
(Orig. Claimants)

VERSUS

1. Ramnath s/o. Bhaurao Nagve
Age: Major, Occ. Agri.,
R/o. Siddheshwar Pimpalgaon,
Tq. Ghansawangai Dist. Jalna **...RESPONDENT**
(R.No.1. Orig.
Claimants)

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Advocate for Applicants : Mr.Bhosale Tatyasaheb
Mr.Patunkar Swapnil S., Adv., for respondent sole.
...

CORAM: P.R. BORA, J.

DATE : 28-07-2017

ORAL JUDGMENT:

1. Heard finally with Consent of the learned
Counsel appearing for the parties.
2. The acquiring body has filed the present appeal

challenging the judgment and award passed by the Court of Joint Civil Judge, Senior Division, Jalna, on 27th August, 2013 in LAR No.1714/2010 (Old LAR No.222/2001).

3. In the present matter, the subject land was acquired for construction of Musa Bhadrayani Minor Project. Section 4 notification in that regard was published on 17.12.1998 and award under Section 11 came to be passed on 7.3.2001. The Special Land Acquisition Officer had offered the compensation for the acquired land at the rate of Rs.715/- per Are. The Reference Court in Reference Application under Section 18 of the Land Acquisition Act, enhanced the said compensation by determining the market value of the acquired land at the rate of Rs.1030/- per Are. Aggrieved thereby, the appellant has preferred the present appeal.

4. After having heard the learned Counsel for the acquiring body and the learned Counsel appearing for the claimants and on perusal of the impugned judgment, it does not appear to me that any interference is required in the judgment and award so passed. The Reference

Court has relied upon the sale instances at Exh.24 while determining the market value of the acquired land. The land which was subject matter of Exh.24 was admeasuring 81 Are and was sold for consideration of Rs.51,500/- by registered sale deed executed on 19th of May, 1993, i.e. at the rate of Rs.635/- per Are. It appears that the Reference Court by giving allowance of five years at the rate of 10 per cent has determined the market value at the rate of Rs.1030/- per Are. It does not appear that the Tribunal has committed any error or mistake. No such material is brought on record or brought to my notice warranting interference in the impugned judgment and award.

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

(P.R. BORA, J.)

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AGP/