

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

FIRST APPEAL NO.: 1080 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
SHRIMANT DAULAT JADHAV AND OTHERS

WITH

FIRST APPEAL NO.: 1081 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
JAIRAM DEORAO JADHAV, DIED AND OTHERS

WITH

FIRST APPEAL NO.: 1082 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
DEELIP RAMRAO KSHIRSAGAR AND OTHERS

WITH

FIRST APPEAL NO.: 1083 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
BABASAHEB SHRIRANG JADHAV AND OTHERS

WITH

FIRST APPEAL NO.: 1084 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
TRIMBAK GYANBA KHADAP AND OTHERS

WITH

FIRST APPEAL NO.: 1085 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
RAJABHAU BABJI KSHIRSAGAR AND OTHERS

WITH

FIRST APPEAL NO.: 1086 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
GURUNATH RAGHUNATH JADHAV AND OTHERS

WITH

FIRST APPEAL NO.: 1087 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
SANDIPAN RAMCHANDRA JADHAV AND OTHERS

WITH

FIRST APPEAL NO.: 1088 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
BALIRAM DEORAO JADHAV, L.RS.
SHIVRAM BALIRAM JADHAV AND OTHERS

WITH

FIRST APPEAL NO.: 1089 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
BABU BALIRAM SHIMPLE AND OTHERS

WITH

FIRST APPEAL NO.: 1090 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
PRADEEP SRIRAM JADHAV AND OTHERS

WITH

FIRST APPEAL NO.: 1091 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
SHRIRAM LAXMAN SHIMPALE AND OTHERS

WITH

FIRST APPEAL NO.: 1092 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
HANUMANT WAMANRAO JADHAV AND OTHERS

WITH

FIRST APPEAL NO.: 1093 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
VISHWANATH KRISHNA JADHAV AND OTHERS

WITH

FIRST APPEAL NO.: 1094 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
GOPIKABAI RAOSAHEB KSHIRSAGAR (DIED)
L.Rs. TUKARAM RAOSAHEB KSHIRSAGAR AND OTHERS

WITH

FIRST APPEAL NO.: 1095 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
TRIMBAK BHIMRAO DHAIGUDE AND OTHERS

WITH

FIRST APPEAL NO.: 1096 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
BHAMABAI SHIVRAM SHIMPALE AND OTHERS

WITH

FIRST APPEAL NO.: 1097 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
SHANKAR LAXMAN SHIMPALE AND OTHERS

WITH

FIRST APPEAL NO.: 1098 OF 2017

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
VISHNU RAMKISAN JADHAV AND OTHERS

AND

FIRST APPEAL NO.: 1099 OF 2017

THE EXECUTIVE ENGINEER LATUR MEDIUM PROJECT
VERSUS
GYANDEV BHANUDAS MANE AND OTHERS

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Advocate for Appellant : Mr. G. N. Patil.

AGP for State and SLAO : Mr. A. M. Phule.

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CORAM : **V. K. JADHAV, J.**

DATE : 19th July, 2017.

ORDER:

. Being aggrieved by the common judgment and award passed by the learned Adhoc District Judge-3, Latur dated 12th April, 2010 in LAR No.275 of 2005 and other connected reference petitions, original Respondent No.2 / acquiring body has preferred these appeals.

2 Brief facts giving rise to the present appeals are as follows:

- a) The agricultural lands owned and possessed by the Respondents / Claimants came to be acquired by the Government for the purpose of Morward Storage tank (Main canal) of village Morward-Lakmapur, Taluka Renapur, District Latur. Section 4 notification was published on 3rd November, 1999. The Special Land Acquisition Officer has awarded the compensation at the rate of Rs.600/- per Are for group I, Rs.700/- per Are for group II and Rs.750/- per Are for group III. Being dissatisfied with the inadequate compensation awarded by the Special Land Acquisition Officer, the Respondents / original Claimants preferred the aforesaid reference petitions. It has been contended that the lands acquired are black cotton soil having depth upto 20 to 25 feet. Villages Morward and Lakmapur come under the command area of Renapur S. S. Sugar factory Niwada Taluaka Renapur. There are educational facilities and other facilities like health, water supply and telephone. These two

villages are adjacent to Latur-Ambajogai highway and main market place Renapur is at a distance of 15 kilometers from the said villages. It has also been contended that the Special Land Acquisition Officer has not considered the said aspects and awarded the inadequate compensation. It has also been contended that the Claimants are raising sugarcane, sunflower, ground, Toor, Udid, Jawar, Paddy, wheat, Soyabin etc. and getting income of Rs.60,000/- per Acre. The Special Land Acquisition Officer has granted the compensation at the rate of Rs.24,000/- per Acre to Rs.28,000/- per Acre, which is at the lower side. The Respondents / Claimants accordingly prayed for the price of the land at the rate of Rs.4,00,000/- per Acre.

- b) The Appellant / acquiring body and Respondent / State have strongly resisted those reference petitions by filing written statement. It has been contended that the Special Land Acquisition Officer has awarded just and reasonable

compensation after fixing the market value of the lands acquired on the basis of the sale instances and considering the other aspects.

- c) The Respondents / Claimants have adduced oral and documentary evidence in support of their contentions. However, the Appellant / acquiring body and the Respondent / State have not adduced any evidence. The Reference Court vide impugned judgment and award, awarded the compensation at the enhanced rate of Rs.1,000/- per Are for group I, Rs.1,250/- per Are for group II and Rs.1,300/- per Are for group III. Hence, these appeals.

3 The learned counsel for the Appellant / acquiring body submits that the Respondents / Claimants have placed their reliance on the sale instance Exhibit 26 of the land situated at village Bhokaramba. Though the Claimants have stated before the Reference Court that villages Morward and Lakmapur are adjacent to Bhokaramba, failed to substantiate the same by producing documentary evidence on record. Furthermore, though the Reference

Court has not considered the sale instance Exhibit 26 as it is a post notification sale instance and the same is a small piece of land, awarded the compensation at the enhanced rate without any basis.

4 I have also heard the learned AGP for Respondent / State.

5 It is not disputed that the sale instance of adjoining village can be considered. The Claimants have adduced oral evidence before the Reference Court that villages Morward and Lakmapur are adjacent to village Bhokaramba. However, the Appellant / acquiring body has not adduced any evidence in rebuttal. Furthermore, the said sale instance Exhibit 26 of village Bhokaramba cannot be considered as a sale instance of small piece of land. However, considering the nature of lands acquired, crops raised, location of lands, facilities available in the said villages coupled with other relevant aspects, the Reference Court has awarded the compensation at very meager enhanced rate. So far as the land falling under group I is concerned, the Special Land Acquisition Officer has awarded the compensation at the rate of Rs.600/- per Are whereas the Reference Court has enhanced the said rate of Rs.1,000/- per Are. I do not find any fault in the judgment and award passed by the Reference Court. So far as the said sale instance Exhibit 26 is concerned, the land admeasuring 40 Ares was

sold at the rate of more than Rs.3,000/- per Are from the adjoining village. Section 4 notification in respect of the acquired lands was published in the year 1999. The said sale instance Exhibit 26 is of the year 2001. Even if certain amount is deducted from the consideration amount of the sale instance Exhibit 26 on the ground that the said sale instance is of a post notification, it appears that the Reference Court has awarded just and reasonable compensation for the acquired lands. In view of the same, I do not find any substance in the appeals. There is no merit in the appeals. All the appeals are thus, liable to be dismissed. Hence, the following order:

ORDER

- I. **First Appeal No.: 1080 of 2017** (The Executive Engineer, Latur Medium Project Vs. Shrimant Daulat Jadhav and others), **First Appeal No.: 1081 of 2017** (The Executive Engineer, Latur Medium Project Vs. Jairam Deorao Jadhav, died and others), **First Appeal No.: 1082 of 2017** (The Executive Engineer, Latur Medium Project Vs. Deelip Ramrao Kshirsagar and others), **First Appeal No.: 1083 of 2017** (The Executive Engineer, Latur Medium Project Vs.

Babasaheb Shrirang Jadhav and others), **First Appeal No.: 1084 of 2017** (The Executive Engineer, Latur Medium Project Vs. Trimbak Gyanba Khadap and others), **First Appeal No.: 1085 of 2017** (The Executive Engineer, Latur Medium Project Vs. Rajabhau Babji Kshirsagar and others), **First Appeal No.: 1086 of 2017** (The Executive Engineer, Latur Medium Project Vs. Gurunath Raghunath Jadhav and others), **First Appeal No.: 1087 of 2017** (The Executive Engineer, Latur Medium Project Vs. Sandipan Ramchandra Jadhav and others), **First Appeal No.: 1088 of 2017** (The Executive Engineer, Latur Medium Project Vs. Baliram Deorao Jadhav, L.Rs. Shivram Baliram Jadhav and others), **First Appeal No.: 1089 of 2017** (The Executive Engineer, Latur Medium Project Vs. Babu Baliram Shimple and others), **First Appeal No.: 1090 of 2017** (The Executive Engineer, Latur Medium Project Vs. Pradeep Sriram Jadhav and others), **First Appeal No.: 1091 of 2017** (The Executive Engineer, Latur Medium Project Vs. Shriram Laxman Shimpale and

others), **First Appeal No.: 1092 of 2017** (The Executive Engineer, Latur Medium Project Vs. Hanumant Wamanrao Jadhav and others), **First Appeal No.: 1093 of 2017** (The Executive Engineer, Latur Medium Project Vs. Vishwanath Krishna Jadhav and others), **First Appeal No.: 1094 of 2017** (The Executive Engineer, Latur Medium Project Vs. Gopikabai Raosaheb Kshirsagar (died) L.Rs. Tukaram Raosaheb Kshirsagar and others), **First Appeal No.: 1095 of 2017** (The Executive Engineer, Latur Medium Project Vs. Trimbak Bhimrao Dhaigude and others), **First Appeal No.: 1096 of 2017** (The Executive Engineer, Latur Medium Project Vs. Bhamabai Shivram Shimpale and others), **First Appeal No.: 1097 of 2017** (The Executive Engineer, Latur Medium Project Vs. Shankar Laxman Shimpale and others), **First Appeal No.: 1098 of 2017** (The Executive Engineer, Latur Medium Project Vs. Vishnu Ramkisan Jadhav and others) and **First Appeal No.: 1099 of 2017** (The Executive Engineer, Latur Medium Project Vs. Gyandev Bhanudas Mane and others) are

dismissed with costs.

II. If any amount is deposited before this Court or before the Executing Court, the Respondents / Claimants are permitted to withdraw the same.

III. All the appeals are accordingly disposed of.

[V. K. JADHAV, J.]

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