

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 117 OF 2017
WITH CA/1466/2013 IN FA/117/2017

THE PRINCIPAL, CENTRAL RESERVE POLICE FORCE AND TRAINING
COLLEGE
VERSUS

BHOVANAJI JALBAJI GUNDE AND ORS

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Advocate for Appellants : Mr. D.G. Nagode
AGP for Respondents 2 and 3: Mr. S.S. Dande

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CORAM : V. K. JADHAV, J.
DATED : 16th JANUARY, 2017

PER COURT:-

1. The land of the claimant came to be acquired for the establishment of Central Reserve Police Force and Training College, Mudkhed, District Nanded.

2. The notification u/s 4 came to be issued on 30.3.1993 and possession of land was taken on 25.3.1994. Special Land Acquisition Officer has passed Award in August, 1997. The Special Land Acquisition Officer has awarded compensation at the rate of Rs.66,500/- per hector. Being aggrieved by the same, the claimant had filed Reference Petition u/s 18 of the Land Acquisition Act. The Reference Court has enhanced the compensation and granted compensation @ Rs.75,000/- per hector for the acquired land which is the subject matter of this first appeal.

3. Mr. Nagode, the learned counsel for the appellant submits that the sale deeds relied by the Reference Court while enhancing the compensation amount is misplaced. Learned counsel further submits that the lands under the sale deeds are at a distance of one to two kilometers from the acquired land. Learned counsel submits that the sale instances are after the date of notification under section 4 and the same cannot be considered. The learned counsel submits that the Special Land Acquisition Officer has taken into consideration all facets of the matter and rightly granted the compensation.

4. With the assistance of learned counsel, I have gone through the Judgment and award so also and record and proceeding. Enhancement granted is meager. Enhancement is hardly by Rs.30,000/- per acre. I find that the Reference Court has taken into consideration sale instances produced on record and has granted reasonable compensation and the Reference Court has not committed any error while partly enhancing the amount.

5. It appears that the challenge raised in this appeal is already adjudicated by this court in first appeal No. 399 of 2016 and other connected first appeals, by order dated 11.4.2016. In view of the above and for the reasons stated in the order dated 11.4.2016,

passed by this court in first appeal No. 399 of 2016 and other connected first appeals, this first appeal is dismissed. No costs.

6. Civil Application is disposed of as infructuous.

7. If the amount of compensation is deposited in this Court, the said amount be transmitted to the Executing Court.

(V. K. JADHAV, J.)

rlj/