

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT NAGPUR**

FIRST APPEAL STAMP NO.12253 OF 2015

The Executive Engineer,
Minor Irrigation Division,
Chandrapur

..Appellant

Versus

Zibala Nana Pimpalshende
and anr.

..Respondents

Mr S.S. Godbole, Advocate for appellant
Mrs M.H. Deshmukh, A.G.P. for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 20th April 2017

PER COURT

Heard learned Counsel for the appellant-acquiring body.

2. The reference Court vide its award dated 28th August 2014 granted enhancement based on the sale-deed dated 30th April 1997 of village Tadala-Bopapur. The said sale-deed reflects the value of the land in 1997 at the rate of Rs.92,638/- per hectare.

3. Section 4 notification was issued on 23rd October 2000 and Section 6 notification was issued on 6th October 2001.

4. The Land Acquisition Officer awarded compensation of Rs. 30,750 for 0.89 hectare to the claimant, i.e. Rs.35,500/- per hectare.

5. The reference Court enhanced the same at the rate of Rs. 1,37,000/- per hectare, which is questioned in the present appeal by the acquiring body on the ground that the compensation awarded is at exorbitant rate and without any basis.

6. With the assistance, I have perused the material, as is brought on record including that of judgment of the reference Court. The reference Court, while dealing with the claim for enhancement has considered the sale instance whereby 1.62 hectare area of land Survey No.102 situated at village Chikni was considered for Rs. 1,40,000/- and the sale-instance at Exh.22 dated 30th April 1997 of the land which is situated at village Tadala Bopapur, wherein 1.63 hectare land was transferred out of Survey No.9/4 by the land owner in favour of one Manohar Warhatkar.

7. The said sale instance Exh.22 which was from the same village was relied upon by the reference Court for the purpose of calculating the enhanced compensation to be awarded. There is difference of about four years from the date of the sale-deed and date of Section 4 notification. As such, the learned reference Court granted 10% additional compensation on the basic value as mentioned in the sale deed and has awarded the enhanced compensation at the rate of Rs. 1,37,000/- per hectare.

8. The enhanced compensation awarded is based on substantial piece of evidence i.e. sale instances. The appellant has not brought

on record any contradictory evidence on record so as to discard the said sale instances.

9. No case for interference is made out. As such, appeal fails stands dismissed.

(N.W. SAMBRE, J.)

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