

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

CIVIL APPLICATION ST. NO.16892/16

AND

FA ST.NO.16885/16

VIDC, thr. Its Executive Engineer, Amravati

..VS..

Rambhau Amle and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri J.B. Kasat, counsel for the applicant.
Shri M.A. Kadu, AGP for non-applicant Nos.3 and 4.

CORAM : N.W. SAMBRE, J.

DATED : APRIL 12, 2017.

Heard learned counsel Shri J.B. Kasat for
the applicant and learned Assistant Government Pleader
for the State.

For the reasons disclosed therein,
application is allowed and disposed of. Delay stands
condoned.

CAF NO.1593/17

By consent of learned counsel for the
parties, application is taken up for final hearing.

Heard learned counsel for the parties.

The appellant questions judgment and
award delivered by learned Civil Judge Senior Division

Achalpur in Land Acquisition Petition No.36 of 2011 wherein land of respondents/claimants was acquired out of field survey No.178 of mouje Hanwatkhedha for the irrigation project. Section 4 notification was published on 26.5.2005 and the award was served on the claimants on 5.4.2007.

The Land Acquisition Officer has awarded compensation of Rs.1,04,000/- per hectare and Rs.13,520 only for 13R of land against claim for compensation at the rate of Rs.60 per square feet.

The claimants as such, examined themselves after issues were framed at Exhibit 18 and have relied upon certified copy of dry crop land of Block No.104 of mouje Hanwatkhedha, which is at Exhibit 36, village map is at Exhibit 35. The said land is reflected in said sale instance Exhibit 36, which is adjacent land. The sale deed appears to be dated 10.4.2002 that is admittedly before Section 4 notification.

Based on the said sale deed Exhibit 36, the Reference Court has granted enhanced compensation which is questioned in the present application.

Learned counsel Shri J.B. Kasat for the appellant in the aforesaid background has made a strenuous attempt seeking leave of this Court to question enhancement granted by the Reference Court. According to him, evidence as relied upon is a cryptic one and does not speak of location of the acquired land

mentioned in Exhibit 36 sale deed.

Having scanned impugned judgment and award and other material available on record what could be noticed is, Exhibit 36 sale instance relying upon, is duly proved. Apart from above, the fact is required to be taken of note that acquiring body has not examined any witness so as to over come the evidence of claimants as regards location and sale instance Exhibit 36.

The Reference Court considering difference between dates of sale and of Section 4 notification, granted 10% rise, which also appears to be justified.

In the aforesaid background, since no case for grant of leave to file appeal is made out, application is rejected. Leave is refused.

Civil applications stand disposed of as such.

JUDGE

!! BRW !!