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

**FIRST APPEAL NO. 322 OF 2017
WITH
CIVIL APPLICATION NO. 14 OF 2017**

Executive Engineer, Lower Wardha
Canal Division, Wardha,
Tal. & Dist. Wardha. ..APPELLANT

VERSUS

1. Dilip Babanrao Kshirsagar,
aged about 36 years, Occ: Agri.,
R/o. Salod (Hirapur)
Tahsil & Dist. Wardha.
2. State of Maharashtra, through
Collector, Wardha,
Tah. and Dist. Wardha.
3. The Special Land Acquisition
Officer, V.I.D.C. Wardha. ..RESPONDENTS

Mr V.G. Palshikar, Advocate for appellant;
Mrs M.S. Naik, A.G.P. for respondent Nos. 2 and 3

WITH

**FIRST APPEAL NO. 323 OF 2017
WITH
CIVIL APPLICATION NO.399 OF 2017**

Executive Engineer, Lower Wardha
Canal Division, Wardha,
Tal. & Dist. Wardha. ..APPELLANT

VERSUS

1. Kisna @ Krishna Vithoba Deotale,
aged about 66 years, Occ: Agri.,

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R/o. Salod (Hirapur)
Tal. & Dist. Wardha.

2. State of Maharashtra, through
Collector, Wardha,
3. The Special Land Acquisition
Officer, V.I.D.C. Wardha. ..RESPONDENTS

Mr V.G. Palshikar, Advocate for appellant;
Mrs M.S. Naik, A.G.P. for respondent Nos. 2 and 3

WITH

FIRST APPEAL NO. 324 OF 2017
WITH
CIVIL APPLICATION NO. 381 OF 2017

Executive Engineer, Lower Wardha
Canal Division, Wardha,
Tal. & Dist. Wardha. ..APPELLANT

VERSUS

1. Raju Namdeorao Hage,
aged about 40 years, Occ: Agri.,
R/o. Salod (Hirapur)
Tahsil & Dist. Wardha.
2. State of Maharashtra, through
Collector, Wardha,
Tah. and Dist. Wardha.
3. The Special Land Acquisition
Officer, V.I.D.C. Wardha. ..RESPONDENTS

Mr V.G. Palshikar, Advocate for appellant;
Mr S.S. Wandile, Advocate for respondent No.1;
Mrs M.S. Naik, A.G.P. for respondent Nos. 2 and 3

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CORAM : N.W. SAMBRE, J.**DATE : 4th APRIL, 2017****ORAL ORDER :**

Heard respective Counsel.

2. All these appeals deal with the same acquisition proceedings i.e. for the same project under same notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act'), as such, are heard and disposed of together.

3. In Land Acquisition Case No. 30 of 2010 (Raju Namdeorao Hage vs. State of Maharashtra & ors.), the Reference Court under Section 18 of the Act has awarded enhanced compensation of Rs. 11,12,750/- with other benefits. In the said case, notification under Section 4(1) of the Act was issued on 19th March, 2009 and Land Acquisition Officer awarded compensation @ Rs.2,26,000/- per hector. The land was acquired for construction of canal.

4. In the Land Acquisition Case No. 29 of

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2010 (Dilip Baban Kshirsagar vs. State of Maharashtra & ors), date of notification under Section 4(1) of the Act is same and award of compensation is also on the similar line. Similar appears to be case in Land Acquisition Case No. 99 of 2010 (Kisna @ Krishna Vithoba Deotale vs State of Maharashtra & ors.). As such, all these appeals are heard and disposed of together.

5. Mr. Palshikar, learned Counsel for the appellant, amongst other raised grounds, that exorbitant enhancement is granted by the Reference Court without any basis. According to him, the sale instances as are taken into account are without any basis, as the sale deeds were of land having non agriculture potentiality, whereas the lands in the present case, are agricultural lands. He would then urge that the guess work as is taken recourse to is completely illogical and as such, judgments in the matter are not sustainable.

6. Perusal of these three judgments reveal that the lands acquired is located at Salod

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(Hirapur). The said village is located at the major straight high way Nagpur-Wardha-Aurangabad and adjoining to the same land, there appears to be lay out meant for sale of plots for residential use. There also appears to be location of medical college and hospital and also dental college and hospital along with rural hospital located at about 2 km. Primary Health Centres, adjacent M.I.D.C. At Devali will also brought on record so as to establish higher cost of the land.

7. In Land Acquisition Case No. 99 of 2010, after objections were raised by present appellant, issues were framed at Exhibit-14. The land owner was examined at Exhibit-21 and one Indubai Kachole at Exhibit-25. He has also relied upon the certified copy of sale deed of Survey No. 176 of village Padegaon at Exhibit-24, joint measurement report at Exhibit-28.

8. In the evidence of said witness, as is observed herein above, location of various institutions nearby acquired land was brought on

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record. The nature of crops which are harvested also brought on record. The location of important institutions from the acquired land is also very much brought on record. The sale deed of village Padegaon referred supra came to be proved by examining witness Indubai Kachole, seller of said land, wherein 0 Hector 93 Are land was sold for Rs.18,00,000/- on 18th March, 2008. After adjusting price of land, particularly having regard to its location, if compared to the land acquired, by taking recourse to certain guess work, learned Reference Court awarded compensation of Rs.8,03,030/- with other benefits.

9. In Land Acquisition Case No. 29 of 2010, issues were framed at Exhibit-15 and evidence of claimant and same witness Indubai Kachole is relied upon.

10. In Land Acquisition Case No. 30 of 2010, issues were framed at Exhibit-15 and evidence of claimant and same witness witness Indubai Kachole is relied upon.

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11. Considering the fact that village where the land in question is located is abutting major straight high way Nagpur-Wardha-Mumbai, location of Primary Health Centre, medical college and hospital and other big institutions in its close proximity including that of residential and industrial area, in the adjoining land, nature of crops which are harvested, sale deed executed by Indubai of her land, enhanced compensation awarded by the Reference Court, in my opinion, does not call for any interference.

12. In view of above, all these appeals are devoid of merit, hence stand dismissed.

13. In view of dismissal of first appeals, civil applications for stay stand disposed of accordingly.

(N.W. SAMBRE, J.)

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