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

**CIVIL APPLICATION NO.213 OF 2015
IN/WITH
FIRST APPEAL ST.NO.21332 OF 2014**

Executive Engineer,
Minor Irrigation
Division, Vidarbha
Irrigation Development
Corporation, Washim ..APPELLANT

VERSUS

1. Sheikh Ayub Sheikh
Hussain, aged 53 years,
Occu. Cultivator,
R/o Kamargaon,
Taluka Karanja Lad,
District Washim
2. State of Maharashtra,
through Collector,
Washim, through Special
Land Acquisition Officer
No.2, Washim ..RESPONDENTS

Mr S.S. Godbole, Advocates for appellant
Mr M.A. Kadu, A.G.P. for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 12th APRIL, 2017

ORAL ORDER :

1. This is an application for condonation of delay caused in filing the present appeal. For the reasons disclosed in the application, delay condoned. Civil Application No.213 of 2015 stands allowed.

(2)

2. With consent, the appeal is taken up for final disposal at admission stage.

3. The present appeal is under Section 54 of the Land Acquisition Act questioning the judgment delivered in Land Acquisition Case No.290 of 2010 by the Ad-hoc District Judge-III, Washim on 8th October 2012.

4. Pursuant to Section 4 notification dated 15th December 2005 for the land admeasuring 2 hectare 87 R out of block No.10/3 of village Undri, Taluka Karanja, District Washim came to be acquired and award was passed on 20th May 2008 granting compensation of Rs.49,900/- per hectare.

5. Feeling aggrieved thereby, reference under Section 18 of the Land Acquisition Act was preferred enhanced compensation at the rate of Rs. 1,50,000/- to Rs.2,00,000/- per acre and separate compensation for trees. As such, present appeal.

6. Mr Godbole, learned Counsel for the appellant-acquiring body would urge that the compensation awarded is exorbitant and without any basis.

(3)

According to him, the claimant has not proved the entitlement for enhanced compensation based on adequate evidence.

7. If the submissions are examined in the light of judgment delivered by the reference Court, the issues were framed at Exh.10 and answered in favour of the claimant. The claimant examined himself. The reference Court then considered copy of sale-deed dated 28th May 2004 at Exh.14 in relation to 81-R land from Survey No.16/4 of the same village for consideration of Rs.81,000/-. Another copy of sale-deed Exh.15 dated 25th February 2005 in favour of one Suresh Gawai and others for consideration of Rs.1,80,000/- for the land admeasuring 1 hectare 20-R out of village Vilegaon, Taluka Karanja was also placed on record. In addition, copy of sale-deed Exh.16 dated 10th April 2001 executed in favour of Ramesh Lal admesuring 1 hectare 2-R land from block No.18 for consideration of Rs.4,50,000/- out of village Khamgaon was considered.

8. Apart from above, 7/12 extracts for the year 1994-95 to 2004-05 vide Exh.17 were placed on record.

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9. Considering the sale instances at Exh.14 and 15 demonstrating sale of the land at the rate of Rs.40,000/- and Rs.50,000/- per acre approximately, which were prior to the date of notification under Section 4 of the Land Acquisition Act came to be relied upon. Apart from above, Government decision was issued on 13th October 2011 for effecting settlement of land acquisition cases in the Lok Adalat and also another Government Resolution dated 18th February 2012 was also issued.

10. The reference Court then considered the land revenue and as such, awarded compensation at the rate of Rs.50,000/- per acre i.e. Rs.1,25,000/- per hectare, which appears to be adequate based on the material brought on record.

11. In view of above, no interference in the appellate jurisdiction is made out. As such, appeal fails, stands dismissed.

(N.W. SAMBRE, J.)