

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

FIRST APPEAL ST.NO.22995 OF 2016
WITH
CIVIL APPLICATION NO.4088 OF 2016
WITH
CIVIL APPLICATION NO.4089 OF 2016
WITH
CIVIL APPLICATION NO.1786 OF 2017

Executive Engineer,
Khadakpurana Prkalpa,
Deulgaon Raja,
District Buldana

..Appellant

Versus

Kachruba Ramrao Sarode
and anr.

..Respondents

Mr S.K. Bhoyar, Advocate for appellant
Mr M.A. Kadu, A.G.P. for respondent no.2

WITH

FIRST APPEAL ST.NO.23014 OF 2016
WITH
CIVIL APPLICATION NO.4096 OF 2016
WITH
CIVIL APPLICATION NO.4097 OF 2016

Executive Engineer,
Khadakpurana Prkalpa,
Deulgaon Raja,
District Buldana

..Appellant

Versus

Babanrao Pandurang Mante
and ors.

..Respondents

Mr S.K. Bhoyar, Advocate for appellant
Mr R.N.Ghuge, Advocate for respondent no.1
Mr M.A. Kadu, A.G.P. for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 18th April 2017

PER COURT

Heard.

2. Both these matters can be heard and disposed of together, as the acquisition is for the same purpose.

3. So far as Land Acquisition Case No.130 of 2007 against which First Appeal St.no.22995 of 2016 and Land Acquisition Case No.100 of 2008 against which First Appeal St.No.23014 of 2016 are preferred, the Civil Applications no.4088 of 2016 and 4096 of 2016 for condonation of delay since not objected, stand allowed.

4. Though there is variance in Section 4 notification, however, the project for which the lands were acquired since is same, the appeals are heard and disposed of together.

5. In First Appeal St.No.22995 of 2016, the enhancement is based on the findings recorded by the reference Court in the proceedings no. 23, 27, 20, 21 and 25 of 2005 which were decided on 21st 22nd August 2012 and 23rd August 2012.

6. Since the above judgment delivered in the land acquisition cases was relied upon by the reference Court for disposing of the reference, the learned reference Court has granted enhanced compensation based on the findings recorded in the above referred land acquisition cases, which are not questioned by the acquiring body.

7. Nothing adverse is brought to my notice, so as to infer that the award of compensation in the above referred land acquisition cases which is formed to be basis for granting enhanced compensation, the

land therein is not similar or cannot be awarded compensation at enhanced rate. In view thereof, First Appeal Stamp No.22995 of 2016 stands dismissed.

8. So far as First Appeal Stamp No.23014 of 2016 is concerned, after having heard respective Counsel for sometime, it is noticed that the Land Acquisition Case No.100 of 2008 from Gut No.138, an area of 1.06 hectare was acquired. The detailed 7/12 extract thereof was found to be at Exh.23. Against the award delivered by the Land Acquisition Officer of Rs.77,022, the enhancement was granted at the rate of Rs.1,20,000/- per hectare.

9. The said enhancement is based on the oral and documentary evidence as is brought on record, as could be noticed in the observations made in the judgment, delivered by the learned reference Court.

10. It is then to be noted that the enhancement granted since is below the double the amount, as was awarded by the Land Acquisition Officer, in my opinion, the order granting enhancement does not call for any interference. The First Appeal St.No.23014 of 2016 as such lacks merit, stands dismissed.

11. In view of dismissal of appeals, Civil Applications for stay stand disposed of.

(N.W. SAMBRE, J.)

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