

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

926 FIRST APPEAL NO.384 OF 2005

1. The State of Maharashtra
through Collector, Nanded.
2. The Sub Divisional Officer and
Land Acquisition Officer, Degloor,
Nanded.
3. The MIDC, a corporate body, per its
Regional Officer, Latur, Regional
Office at Latur. ..Appellants

VERSUS

- . Parasram s/o Rama Rathod
Age: 35 years, Occu.: Agril,
R/o.Kushnoor, Tq.Biloli,
Dist.Nanded. ..Respondent

...

AGP for Appellants/State : Mr.K.N.Lokhande
Advocate for Respondent : Mr.Abhay Deshmukh h/f.
Mr.M.M.Patil Beedkar

...

CORAM : M.S.SONAK, J.
DATE : 18th January, 2018

ORAL JUDGMENT:-

- 1) Heard Mr.K.N.Lokhande learned AGP for the appellants
and Mr.Abhay Deshmukh, who holds for Mr.M.M.Patil for the

respondent.

2) The challenge in this appeal is to the Judgment and award dated 1.10.2003 by which the Reference Court has enhanced the compensation from Rs.440 per Are to Rs.520 per Are. Learned AGP submits that there was no legal evidence on record for grant of enhancement. He submits that the Reference Court itself has said that such enhanced rate is based on guesswork. Accordingly, he submits that the impugned award may be set aside and the rate determined by the Land Acquisition Officer be restored.

3) Mr.Abhay Deshmukh learned counsel for the claimant submits that Sale-Deeds were relied upon and the Reference Court has taken the same into consideration for the purposes of determining the compensation. He points out that the enhanced compensation awarded in this case is well within the limits prescribed by the Government

itself in its Government Resolution dated 3.11.2016 as amended from time to time. For these reasons, Mr.Deshmukh submits that this appeal is liable to be dismissed.

4) The reasoning of the Reference Court is set-out in paragraph No.24 of the impugned award. Although, three Sale-Deeds were relied upon by the claimant, the Reference Court has declined to rely upon two of the Sale-Deeds on the basis that claimants themselves admitted that the land which is the subject matter of the Sale-Deed was of better quality. In respect of third Sale-Deed, the Reference Court has held that it could be taken into consideration for guidance for determination of market value.

5) In this case, the enhancement granted is also not substantial i.e. Rs.520 per Are as compared to Rs.440 per Are as determined by the Land Acquisition Officer.

6) Apart from this, the enhanced rate in the present case is well within the limit prescribed in the Government Resolution dated 3.11.2016 as amended from time to time. This Government Resolution relates to the policy of the State Government that it shall not institute or pursue appeals where the enhanced compensation is less than four times of the Ready Reckoner Rate prevalent on the date of the issue of Section 4 Notification.

7) Taking into consideration the circumstances, there is no necessity to interfere in the Judgment and award made by the Reference Court.

8) For the aforesaid reasons, this appeal is dismissed.

9) There shall be no order as to costs.

[M.S.SONAK, J.]