

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

931 FIRST APPEAL NO. 641 OF 2005
WITH CA/2234/2006 IN FA/641/2005 WITH X-OBJST/24772/2011
IN FA/641/2005

1. The State of Maharashtra
& the Spl. Land Acquisition
Officer, M.I.W.Jalgaon.
2. The Executive Engineer,
M.I.W. Works Div.Jalgaon,
Dist.Jalgaon. ..Appellants

VERSUS

- . Prakash Damu Patil
Age: Major, Occu.: Agriculture,
R/o.Peth Nashirabad,
Tq.& Dist.Jalgaon. ..Respondent

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AGP for Appellants : Mr.A.M.Phule
Advocate for Respondent : Mr.A.B.Kale (absent)

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WITH

938 FIRST APPEAL NO. 644 OF 2005
WITH CA/2236/2006 IN FA/644/2005 WITH X-OBJST/24761/2011
IN FA/644/2005 WITH CA/743/2018 IN FA/644/2005

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

ORAL JUDGMENT:-

1) Heard Mr.A.M.Phule learned counsel for the appellants. The respondents though served have neither present nor represented. However, even in the absence of the respondents, their Cross-Objections are proposed to be taken into consideration.

2) This Court has disposed of First Appeal No.645 of 2005 dismissing the challenge to Judgment and Award dated 6.1.2005. Since, this Judgment and award was a common Judgment and award for several Land Acquisition References, accordingly, for the reasons set-out in the Judgment dated 17.1.2018 in respect of First Appeal No.645 of 2005, these appeals are also required to be dismissed and are hereby dismissed.

3) Apart from this, in the present case, the enhanced rate awarded by the Reference Court i.e. Rs.1,87,500/- per hectare for Jirayat land is well within the limits prescribed by the Government itself in its Government

Resolution dated 3.11.2016. In this case, the Land Acquisition Officer awarded compensation @ Rs.80,000/- per hectare.

4) 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.

5) So far as the Cross-Objections are concerned, the respondents have not stated precise rate of enhancement. However, it appears that the respondents seek rate of Rs.2,25,000/- per hectare on the basis of sale instance dated 10.11.1993. Upon perusal of the record, it is seen that the sale instance was in respect of different area. The Reference Court in this case has not appraised merely

the consideration reflected in the Sale-Deed but has taken into consideration the Stamp Duty, the Registration charges paid by the parties on the basis of the market value. There are difference in the land referred in the Sale-Deeds and acquired land. It is only after taking into consideration all these factors, the Reference Court has determined the compensation @ Rs.1,87,500/- per hectare in respect of Jirayat land. There is accordingly, no case is made out for allowing appeals or Cross-Objections.

6) For the aforesaid reasons, Both the appeals and Cross-Objections are dismissed.

7) There shall be no order as to costs.

8) As the appeals are dismissed, the civil applications, pending if any, do not survive and they are also disposed of.

[M.S.SONAK, J.]