

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

**BENCH AT AURANGABAD**

**FIRST APPEAL NO.828 of 2005**

The Sub Divisional Officer,  
Chalisgaon Division, Jalgaon.

Appellant..  
(Ori.Respondent)

**Versus**

Sarichand Raysing Vanjari-Dead,  
Occupation : Farmer, R/o Dohari,  
Taluka Jamner, District Jalgaon,  
Through his Lrs.

- 1.Dagadu Sarichand (Vanjari) Tanwar,  
Age : 50 years, Occupation :  
Agriculture,
- 2.Santosh Sarichand Tanwar,  
Age : 45 years, Occupation :  
Agriculture,
- 3.Raghunath Sarichand Tanwar,  
Age : 42 years, Occupation :  
Agriculture,
- 4.Sau. Dwarkabai Popoat Pawar,  
Age : 47 years, Occupation :  
Household,  
All R/o. Dohari, Taluka Jamner,  
District Jalgaon.

..Respondents  
(Ori.Claimants)

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**FIRST APPEAL NO.829 of 2005**

The Sub Divisional Officer,  
Chalisgaon Division, Jalgaon.

Appellant..  
(Ori.Respondent)

**Versus**

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Pralhad Raysing Vanjari (Dead)  
Age : 60 years, Occupation :  
Farmer, R/o : Dohari,  
Taluka:Jamner, District:Jalgaon.  
Through his LR's.

1. Govardhan Pralhad Tanwar (Vanjari),  
Age : 40 years, Occupation :  
Agriculture,
2. Vishwanath Pralhad Tanwar (Vanjari)  
Age 38 years, Occupation :  
Agriculture,
3. Nirmalabai w/o Aappa Jadhav,  
Age : 34 years, Occupation :  
Household,
4. Navsabai w/o Pralhad Tanwar  
(Vanjari), Age : 60 years,  
Occupation : Household,  
All R/o Dohari, Taluka :  
Jamner, District : Jalgaon.

...Respondents..  
(Ori.Claimants)

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**FIRST APPEAL NO.830 of 2005**

The Sub Divisional Officer,  
Chalisgaon Division,Jalgaon.

Appellant..  
(Ori.Respondent)

**Versus**

Shri Mansukh Budha Vanjari,  
Age — 30 years, Occupation :  
Farmer, R/o Dohari Tanda,  
Taluka : Jamner, District :  
Jalgaon.

...Respondent..  
(Ori.Claimant)

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**FIRST APPEAL NO.831 of 2005**

The Sub Divisional Officer,  
Chalisgaon Division, Jalgaon.

Appellant..  
(Ori.Respondent)

**Versus**

Shri Kewalsing Dhanraj,  
M/G Godawaribai Dhanraj,  
Age : 45 years, Occupation :  
Farmer, R/o Dohari, Taluka :  
Jamner, District : Jalgaon.

...Respondent..  
(Ori.Claimant)

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Shri K.N. Lokhande, AGP for appellant.  
None present for respondents though served.

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**CORAM: M.S. SONAK, J.**

**DATE: 17.01.2018**

**ORAL JUDGMENT :**

1] Heard Mr.K.N. Lokhande, learned AGP for the appellants. The respondents, though served, are neither present nor represented.

2] Challenge in all these appeals is to the common judgment and award dated 30.11.2004 in which the Reference Court has enhanced the compensation in respect of Pot Kharab lands from Rs.4500/- to Rs.7500/- per

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Hectare and for Jirayat lands from Rs.6,000/- to Rs.16,000/- per Hectare.

3] Learned AGP submits that the only evidence produced by the claimants was the sale deed of the year 1982 in respect of land situated in a different village. Learned AGP submits that such sale deed would never have been referred as a comparable instance and, therefore, the impugned award is liable to be set aside.

4] On perusal of the records and proceedings, it is clear that the Section 4 notification in these cases was issued on 17.7.1986. The sale instance relied upon by the Reference Court relates to the year 1982 and is in respect of lands situated in the village Hiwarkhede, which village is in fact adjacent to the village Dohari in which the acquired lands were situated. In terms of the sale instance, the rate in Hiwarkhede village was Rs.30,000/- per Hectare. This was the rate in respect of Jirayat lands.

5] The Reference Court from out of this rate has deducted Rs.5,000/- per Hectare since the vendor was the neighbouring land-holder and perhaps had special needs for the land, which was the subject matter of 1982 sale

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deed. Further deduction from Rs.25,000/- per Hectare to Rs.16,000/- per Hectare has been made because the sale deed was in respect of the neighbouring village and not the same village. This deduction atleast *prima facie* appears to be on the higher side, more particularly because the sale instance was of the year 1982 and the Section 4 notification in this was of the year 1986. The rate of Rs.25,000/- as determined by the Reference Court, some escalation was due for the years 1982 to 1986. It appears that such escalation has not been granted. In these circumstances, there is absolutely no reason to interfere with the determination of the rate of Rs.16,000/- per Hectare in respect of Jirayat lands.

6] Jirayat lands are normally granted twice the rate of Pot Kharab lands. On this basis, there was no difficulty in awarding compensation of Rs.8,000/- in respect of Pot Kharab lands. However, the Reference Court has awarded only Rs.7,000/- per Hectare in respect of Pot Kharab lands. Again there is no necessity to interfere in such determination. The appeals are liable to be dismissed and are hereby dismissed.

7] That apart, it is required to be noted that the

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enhanced rates in the present case are well within the limits prescribed by the Government in its Government resolution dated 3.11.2016. In terms of this Government resolution where the enhanced amount is less than four times ready reckoner rate prevalent on the date of issuance of Section 4 notification, the Government or its instrumentalities have resolved not to pursue such appeals.

8] For the aforesaid reasons, these appeals are dismissed. There shall be no order as to costs.

9] In view of above, civil applications filed in these appeals do not survive and the same are also disposed of as such.

**(M.S. SONAK, J.)**