

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 3861 OF 2017

Municipal Council, Osmanabad

Appellant

Versus

Venkatesh s/o Mahadeo Ambure
& others

Respondents

Mr. R.V. Naiknavare, advocate for appellant.
Mr. S.P. Deshmukh, AGP for respondent no. 3.
Mr. S.S. Shete, advocate for respondents 1 and 2.

WITH
FIRST APPEAL NO. 3863 OF 2017

Municipal Council, Osmanabad

Appellant

Versus

Somnath s/o Eknath Yawalkar
& another

Respondents

Mr. R.V. Naiknavare, advocate for appellant.
Mr. M.R. Khatwad, advocate for respondent no. 1.
Mr. A.M. Phule, AGP for respondent no. 2.

CORAM : M.S. SONAK, J.
DATE : 7th FEBRUARY, 2018

ORAL ORDER :

1. Learned counsel for the appellants fairly points out that in this case, compensation awarded by the Land Acquisition Officer was Rs.46,160/- which has been enhanced to Rs. 94,000/- by the reference Court. He admits that the enhanced compensation is

well within the limits specified in Government Resolution dated 3rd November, 2016, as amended from time to time, in which, policy decision has been taken not to pursue the appeals where enhanced compensation amount is less than four times the Ready Reckoner rates as prevalent on the date of issuance of section 4 notification. He submits that the position is the same in First Appeal No. 3863/2017 in which, the Land Acquisition Officer had awarded compensation of Rs. 15,962/- which has been enhanced to Rs.32,000/- by the reference Court. He further submits that since he has no specific instructions in the matter of withdrawal of these appeals, this Court, may dispose of the appeals. He points out that there is no proper evidence to sustain the enhancement and, therefore, on this ground, the appeals may be allowed.

2. On perusal of the material on record, it is seen that acquisition in this case was towards road widening. The claimants have lead evidence in support of the rate which is now awarded by the reference Court. The claimants have also examined witnesses who have stated that the property is in the heart of the city and enjoys facilities like access to hospitals, banks etc. The appellants, who are respondents before the reference Court, have not examined any witness. Taking into consideration the material on record and, the manner in which it has been evaluated by the reference court, there is no case made out to interfere with the impugned awards.

3. Accordingly, these two appeals are dismissed. There shall be no order as to costs.

4. Pending civil application, if any, does not survive and stands disposed of.

(M.S. SONAK, J.)

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