

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

FIRST APPEAL NO.1130 OF 2010

1. The State of Maharashtra,
Through Collector, Latur.
2. The Executive Engineer,
Minor Irrigation Division
Local Sector, Division, Latur.
3. The Special Land Acquisition Officer
Suvarna Project, Latur

.. Appellants
(Orig. Respondents)

Versus

Venkatrao Keshavrao Patil
Age : 56 years, Occu : Agri,
R/o. Ramegaon, Tq. Ausa,
Dist. Latur

.. Respondent
(Orig. Claimant)

.....

AGP for Appellants : Shri A.M. Phule
Advocate for Respondent : Shri S.S. Manale

....

CORAM : P.R. BORA, J.
Dated: January 07, 2019

ORAL JUDGMENT :

1. Heard Shri Phule, learned AGP appearing for the appellants and Shri Manale, learned Counsel appearing for the respondent i.e. original claimant.

2. The State has preferred the present appeal against the Judgment and Award passed in L.A.R. No.755/2002 decided

by the Ad-hoc District Judge-2 at Latur (hereinafter referred to as the 'Reference Court') on 06.07.2007. The land which is the subject matter of the present appeal was acquired from village Ramegaon, Tal. Ausa, District Latur for the purpose of construction of Percolation Tank at village Ramegaon (Additional). The notification under Section 4 of the Land Acquisition Act (hereinafter referred to as the 'Act') was published in the Official Gazette on 06.02.1997 and the Award under Section 11 of the Act came to be passed on 31.03.2001. The SLAO had offered the compensation at the rate of Rs.45,000/- per hector. The claimant had claimed the compensation at the rate of Rs.2,50,000/- per hector. Dissatisfied with the amount of compensation so offered by the SLAO, the claimant preferred an application under Section 18 of the Act seeking enhancement in the amount of compensation. The learned Reference Court, after having assessed the oral and documentary evidence brought before it, determined the market value of the acquired land at the rate of Rs.1,00,000/- per hector and accordingly enhanced the amount of compensation. Aggrieved by, the State has preferred the present appeal.

3. Learned AGP Shri Phule though criticized the impugned Judgment and Award, on perusal of the impugned Judgment, apparently, I do not see any merit in the objections so raised. Shri Manale, learned Counsel appearing for the respondent i.e. original claimant brought to my notice that, in some of the matters Acquiring Body and the State has acquiesced the Awards passed by the Reference Court arising out of the same acquisition proceeding. The learned Counsel tendered across the bar the copy of the common Judgment and Award passed in L.A.R. No.1257 of 92 with the connected LAR's. The learned Counsel has also placed on record the copy of the memorandum dated 07.02.97, wherein the Government has decided to acquiesce the decision of Joint Civil Judge, Senior Division, Latur dated 11.03.1996. The learned Counsel submitted that, the land which is the subject matter of the present appeal was also acquired for the same project from the same village though the notification under Section 4 of the Act in regard to the present land was issued subsequently.

4. After having carefully perused the impugned Judgment, as I noted herein above, apparently it does not appear that, the Reference Court has committed any error in determining the market value of the acquired land at the rate of Rs.1,00,000/- per hector. The objections, which are raised by the learned AGP, are unsustainable. Moreover, since the compensation amount enhanced by the Reference Court is less than 4 times of the amount of compensation as was determined by the SLAO, even otherwise in view of the policy adopted by Government vide Government Resolution dated 03.11.2016 read with corrigendum dated 23.02.2017, the present appeal is not liable to be prosecuted further. For all above reasons, the appeal deserves to be dismissed and is accordingly dismissed.

5. Pending Civil Application, if any, stands disposed of.

(PR. BORA, J.)