

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

**216 FIRST APPEAL NO. 1261 OF 2004
WITH CA/7584/2004 IN FA/1261/2004**

- 1) The State of Maharashtra,
Through: The Collector,
Collectorate, Nanded.
 - 2) The Sub-Divisional Officer,
Add Land Acquisition Officer,
Degloor, District – Nanded.
 - 3) Maharashtra Industrial Development
Corporation a corporate body per its
Divisional Officer Latur,
Divisional Office, Latur.
- ..Appellants
(Ori. Respondents)

VERSUS

- . Ananda s/o Lalba Kagde
Age:- 60 years, Occu.: Agril.,
R/o. Krushnoor, Tq.Biloli,
District: Nanded.
- ..Respondent
(Ori. Claimant)

...
AGP for Appellant - State : Shri P.M.Kulkarni
...

CORAM : P.R.BORA, J.
DATE: 4th January, 2019

ORAL JUDGMENT:-

1. The State Government has preferred the present appeal against the Judgment and award passed by the Civil Judge, Senior Division, Biloli in Land Acquisition Reference No.147 of 1998, decided on 30.12.2003.

2. The land which is the subject matter of the present appeal was acquired by the State Government under the provisions of the Maharashtra Industrial Development Act, 1961 (hereinafter referred to as 'the MID Act') for the purpose of establishment of MIDC at Krushnoor, Tq.Biloli. The Notification in that regard under Sections 32(1) and 32(2) of the MID Act was published in the Government Gazette on 23.12.2003. The Special Land Acquisition Officer had offered the compensation @ Rs.45,000/- per Hectare. Dis-satisfied with the amount of compensation so offered, respondent (hereinafter referred to as 'the claimant') preferred an application under Section 18 of the Act and the same has been adjudicated by the Civil Judge, Senior Division, Biloli (hereinafter referred to as 'the Reference Court'). The Reference Court, after having assessed the evidence on record, has held the claimant entitled for the enhanced compensation @ Rs.60,000/- per Hectare. Aggrieved thereby, the State Government has preferred the present appeal.

3. The learned AGP at the outset fairly submitted that the connected appeals, arising out of the same acquisition preferred by the Maharashtra Industrial Development Corporation (MIDC), have been dismissed by this Court. The learned AGP submitted that First Appeal No.3536 of 2008 was decided by this Court

(Coram: S.V. Gangapurwala, J.) vide Judgment and order passed on 21.02.2013 dismissing the appeal filed by the MIDC. The learned AGP further submitted that another group of appeals containing First Appeal No.348 of 2003 and others has been dismissed by this Court (Coram: K.U.Chandiwal, J.) vide the Judgment delivered on 10.02.2014. The learned AGP tendered across the bar, a copy of the said Judgment.

4. The respondent, though has been duly served, has not caused appearance in the matter.

5. After having heard the submissions made by the learned AGP and after having gone through the Judgments delivered by this Court in the group of First Appeals referred supra, it is apparently revealed that the present appeal is covered by the aforesaid Judgments and therefore, needs to be dismissed for the reasons recorded in the aforesaid group of appeals.

6. It is not in dispute that the land, which is the subject matter of the present appeal, was also acquired for the establishment of the MIDC at Krushnoor, Tq.Biloli, and it was acquired vide same Notification dated 23.12.1993. It is also not in dispute that First Appeal No.348 of 2003 and the connected

appeals decided by this Court vide the common Judgment delivered on 10.02.2014, were arising out of the same acquisition. In the said matters, the Special Land Acquisition Officer had offered the compensation at the rate ranging between Rs.40,000/- to Rs.49,000/- per Hectare and the Reference Court had enhanced the compensation at the rate ranging between Rs.50,000/- to Rs.64,000/- per Hectare. The land, which is the subject matter of First Appeal Nos.138 of 2004, 464 of 2004 and 1174 of 2004 were acquired from village Krushnoor from where the land, which is the subject matter of the present appeal has been acquired.

7. In view of the fact that this Court earlier in the aforesaid appeals has taken a view that the compensation enhanced by the Reference Court was rightly enhanced, I see no reason to take any different view. Moreover, after having perused the Judgment and award impugned in the present appeal, it is revealed that the Reference Court has appropriately appreciated the evidence brought before it and has accordingly determined the market value of the acquired land as on the day of its acquisition. It does not appear that the compensation as has been enhanced by the Reference Court is in any way excessive or arbitrarily enhanced. I, therefore, do not see any reason to

cause any interference in the Judgment and award impugned in the present appeal. In the result, the following order is passed:-

ORDER

- I) The appeal is dismissed, however, without any order as to the costs.

- II) Pending civil application stands disposed of.

(P.R.BORA)
JUDGE

SPT