

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.3014 of 2019
(WITH CA/16574/2015 IN FA/3014/2019)

- 1) The State Of Maharashtra,
Through The Collector, Latur.
 - 2) The Dy. Collector/ Land Acquisition Officer,
(Purna Prkalp), Latur.
 - 3) The Executive Engineer,
Minor Irrigation, (Local Sector),
Division, Latur.
- ...Appellants.
(ori.Respondents)

VERSUS

Basavraj s/o Shantappa Mathpati,
Age Major, Occupation Agri.,
R/o Dongar Shelki Tq. Udgir,
Dist. Latur.

...Respondent.
(Ori.Claimant)

....
FIRST APPEAL NO.3015 of 2019
(WITH CA/16576/2015 IN FA/3015/2019)

- 1) The State Of Maharashtra,
Through The Collector, Latur.
 - 2) The Dy. Collector/ Land Acquisition Officer,
(Purna Prkalp), Latur.
 - 3) The Executive Engineer,
Minor Irrigation, (Local Sector),
Division, Latur.
- ...Appellants.
(ori.Respondents)

VERSUS

Vishwanath s/o Shantappa Mathpati,
Age Major, Occupation Agri.,
R/o Dongar Shelki Tq. Udgir,
Dist. Latur.

...Respondent.
(Ori.Claimant)

....

FIRST APPEAL NO.3016 of 2019
(WITH CA/16578/2015 IN FA/3016/2019)

- 1) The State Of Maharashtra,
Through The Collector, Latur.
 - 2) The Dy. Collector/ Land Acquisition Officer,
(Purna Prkalp), Latur.
 - 3) The Executive Engineer,
Minor Irrigation, (Local Sector),
Division, Latur.
- ...Appellants.
(ori.Respondents)

VERSUS

Sangayaa s/o Shantappa Mathpati,
Died through L.Rs.
Chandramma w/o Sangayya Mathpati,
Age Major, Occupation Agri. & H.H.,
R/o Dongar Shelki Tq. Udgir,
Dist. Latur.

...Respondent.
(Ori.Claimant)

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AGP for Appellants – State : Mr. A. M. Phule.
Advocate for Respondents : Mr. H. B. Nandagavale
holding for Mr. V. G. Sakolkar.

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CORAM : SMT.VIBHA KANKANWADI, J.
Date : 15-10-2019.

ORDER :

1. The State has preferred the present appeals challenging the common Judgment and award passed in L.A.R. No. 3014 of 2019, 3015 of 2019 and 3016 of 2019 dated 06-08-2014, by the learned Joint Civil Judge, Senior Division, Udgir, which is hereinafter referred to as the 'Reference Court'.
2. The lands, which are the subject matter of this appeal, were acquired for the purpose of "Percolation Tank No.2 Dongar Shelki Tq. Udgir." A notification under Section 4 of the Land Acquisition Act,

1894 (herein after referred to as the 'Act') in that regard was published in the official gazette on 11th December, 2006, whereas award under Section 11 of the Act came to be passed on 21-01-2010. The Special Land Acquisition Officer had granted the compensation to the respective claimants @ Rs.80,000/- per Hectare. Dissatisfied with the amount of compensation so granted, the claimants preferred the applications under Section 18 of the Act, which were adjudicated by the Reference Court. The Reference Court, after having considered the oral and documentary evidence brought on record before it, has determined the market value of the acquired lands @ of Rs.2,66,400/- in LAR No.112 of 2011, Rs.2,44,200/- in LAR No.113 of 2011 and Rs.2,73,060/- in LAR No.120 of 2011, and has accordingly enhanced the amount of compensation.

3. It is the contention of the appellants -State in this appeal that, the Reference Court has arbitrarily enhanced the amount of compensation without there being any cogent evidence therefor. It is further contended that, the sale instances, which are relied upon by the Reference Court while determining the market value of these lands, cannot be held to be the sale instances of the comparable lands. It was further contended that, the Special Land Acquisition Officer, in fact, had correctly determined the market value of the acquired lands by visiting each and every land personally and by considering the relevant sale instances, which have occurred in the relevant period and as such, no interference was called for. The learned counsel, therefore, prayed for setting aside the Judgment and award passed by the Reference Court and to restore the award passed by the Special Land Acquisition Officer in the matters.

4. Learned counsel appearing for the respondents - claimants resisted the submissions made on behalf of the State. The learned counsel prayed for rejection of the appeal on preliminary grounds. The learned counsel further submitted that

even if the matter is considered on merits, the Reference Court, has passed a well-reasoned order by considering the evidence on record. The learned counsel, in the circumstances, prayed for dismissal of the appeal on both the aforesaid counts.

5. Heard the submissions made by the learned AGP appearing for the State and perused the impugned Judgment. On perusal of the Judgment, it is revealed that, the Reference Court has elaborately considered the evidence on record, more particularly the sale instances Exhibit 14 brought on record have been determined at the market value of the acquired lands. The learned Reference Court has considered the productivity of the land at the time of its acquisition, potentiality, the situation i.e. accessibility from the main City or town, size of the acquired land etc. while assessing the market value. After perusal of the impugned Judgment, apparently, it does not appear that the Reference Court has taken any unreasonable view or has enhanced the market value of the acquired lands arbitrarily or on excessive side. In such circumstances, the present appeals could not have been prosecuted further by the State. Even on merits, as I have earlier noted, there seems no case for any interference in the impugned Judgment and award. For all above reasons, the appeals deserve to be dismissed and are accordingly dismissed, however, without any order as to costs.

6. Pending civil applications stand disposed of accordingly.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.