

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO.235 OF 2011

1. The State of Maharashtra,
Representing by Collector, Yavatmal.
 2. The Special Land Acquisition Officer,
and Sub-Divisional Officer, Darwha
Tq. Darwha, District Yavatmal
- ... Appellants

-vs-

Lilabai w/o Ramchandra Bhad,
Aged adult r/o Pabhal (Mahagaon)
Tq. Darwha, Dist. Yavatmal

... Respondent

Shri M. A. Kadu, Assistant Government Pleader for the appellants.
Shri A. I. Sheikh, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.
DATE : February 12, 2019

Oral Judgment :

This appeal under Section 54 of the Land Acquisition Act, 1894
(for short, the said Act) takes exception to the judgment of the Reference
Court in L.A.C. No.28/2007 dated 30/04/2009.

2. Land admeasuring 1H from village Mahagaon was acquired for
the purposes of extension of gaathan. Notification under Section 4 of the
said Act was dated 22/08/2002. In the award passed on 22/11/2004 the

Land Acquisition Officer granted compensation at the rate of Rs.50,000/- per hectare. The Reference Court after considering the evidence on record has enhanced the same to Rs.5,00,000/- per hectare. Hence this appeal.

3. Shri M. A. Kadu, learned Assistant Government Pleader for the appellants submitted that the transaction at Exhibit-20 was of a small piece of land and it could not have been taken into consideration for enhancing the amount of compensation. Land admeasuring 900 sq. ft was sold therein and as the land acquired was admeasuring 1H, it could not be treated as a relevant piece of evidence. He therefore submitted that the amount of compensation is liable to be reduced.

4. Shri A. I. Sheikh, learned counsel for the respondent filed pursis on record stating therein that the respondent had not given any instructions and hence he may be discharged. However, considering the fact that the appeal is of the year 2011 his request of discharge was not accepted. He then submitted that the compensation as awarded was reasonable and based on the evidence on record.

5. The following point arises for determination :

“ Whether the judgment of the Reference Court deserves to be interfered with ?

6. On hearing the learned counsel for the parties and after perusing the records of the case it is seen that the enhancement granted by the Reference Court is reasonable and is based on the evidence on record. The sale-deed dated 23/02/2001 at Exhibit-20 indicates land admeasuring 900 sq. ft. being sold at the rate of Rs.50/- per sq. ft. Since this transaction is prior to the Section 4 Notification it was taken into consideration by the Reference Court. An amount of Rs.10 per sq. ft. has been thereafter taken into consideration considering the small area involved in the sale instance. It was found that the value of the acquired land was Rs.7,00,000/- per hectare. Thereafter the Reference Court has fixed the market value at Rs.5,00,000/- per hectare. Considering the nature of evidence on record the amount awarded appears to be reasonable not warranting any deduction. Similarly, in the light of the certificate at Exhibit-21 issued by the Sub-Registrar indicating market value of the land at Rs.150/- per sq. metre, the enhancement as granted is reasonable. The point as framed is answered accordingly. As a result, the judgment of the Reference Court in L.A.C. No.28/2007 stands confirmed.

The First Appeal stands dismissed. The claimant is at liberty to withdraw the amount of compensation as deposited with accrued interest.

No order as to costs.

JUDGE