

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

15 FIRST APPEAL NO.670 OF 2004

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| [1] The State of Maharashtra, Through
the Collector, District Nanded | APPELLANTS |
| [2] The Special Land Acquisition Officer,
Pazar Talao, M.I.D., No.2, Nanded | |
| [3] The Executive Engineer, Medium
Project, Jangamwadi, Nanded | |

V E R S U S

Bhanudas s/o Rajaram Polawar, Age 52 years, Occupation Agriculture Resident of Chandola, Taluka Mukhed, District Nanded	RESPONDENT
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...
Mr. S.S. Dande, A.G.P. for the appellants-State
Mr. G.N. Chincholkar, Advocate for the respondent
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W I T H

16 FIRST APPEAL NO.822 OF 2004

- | | |
|--|-------------------|
| [1] The State of Maharashtra, Through
the Collector, District Nanded | APPELLANTS |
| [2] The Special Land Acquisition Officer,
Pazar Talao, M.I.D., No.2, Nanded | |
| [3] The Executive Engineer, Medium
Project, Jangamwadi, Nanded | |

V E R S U S

Satish s/o Jejerao Gaikwad, Age
minor under guardianship of Sow.
Satyabhamabai W/o Jejerao Gaikwad,
Age 40 years, Occupation Agriculture
& household, R/s Chandola, Taluka Mukhed,
District Nanded

RESPONDENT

...
Mr. B.V. Virdhe, A.G.P. for the appellants-State
Mr. G.N. Chincholkar, Advocate for the respondent
...

CORAM : ANIL S. KILOR, J.
DATE : 30th APRIL, 2021

ORAL JUDGMENT :

Both these Appeals are filed by the State against the impugned Judgment and Award dated 31st October, 2003, passed in Land Acquisition Reference Nos. 180 of 2000 and 163 of 2000 enhancing the compensation in the reference filed under Section 18 by the respondents/claimants.

2. The lands in question were acquired for the Minor Irrigation Project at village Chandola, Taluka Mukhed, District Nanded. Section 4 Notification was issued on 17th September, 1998 and Award was passed on 15th May, 2000 granting Rs.570/- per R in First Appeal No.670 of 2004 and Rs.530/- per R in the First Appeal No.822 of 2004, which has been enhanced to Rs.72000/- per Hectare in First Appeal No. 670 of 2004 and Rs.68,000/- per Hectare in First Appeal No. 822 of 2004, by the Reference Court in Land Acquisition

References filed by the applicants on being dissatisfied with the amount granted by the Special Land Acquisition Officer under its Award.

3. I have heard the learned A.G.P. for the appellant and learned counsel Mr. Chincholkar on behalf of the respondents.

4. It is pointed out by the learned counsel for the claimants that the amount granted by the learned Reference Court is within 4 times of the amount granted by the SLAO and, therefore, as per the Government Resolution dated 3rd November, 2016, it has been decided by the Government that if the enhancement is within four times of the amount granted by the Land Acquisition Officer, no Appeal shall be filed or contested.

5. Apart from the said ground, even on merit, after going through the record and proceedings and after perusing the impugned judgment and Award, I do not find any perversity in the findings recorded by the learned Reference Court as per the oral as well as documentary evidence placed on record. It is pertinent to note that no oral and documentary evidence was produced on behalf of the appellant before the reference Court. Moreover, the reference Court has specifically observed in the impugned Judgment that

the Land Acquisition Officer has not considered all the sale instances of the relevant period while determining the market value of the land in question. Thus, I am of the opinion that the reference Court has rightly granted enhancement considering the documentary as well as oral evidence produced by the claimants.

6. Nothing has been shown contrary to the findings of the trial Court and, in that view of the matter, I do not find any error committed by the learned Reference Court in granting enhancement in these matters.

7. However, the operative part of the impugned Judgment and order needs to be modified in view of the judgment of Full Bench in the case of ***State of Maharashtra versus Kailash Shiva Rangari***, reported in ***2016 (4) All M.R. 513***. Accordingly, I proceed to pass following order :-

O R D E R

[1] Both appeals are partly allowed.

[2] The operative part (5) of the impugned Judgments and awards is modified and thereby interest is granted @ 9% per annum from the

date of Award for the first year and for subsequent period @ 15% per annum.

[3] No order as to costs.

[4] Civil Application No. 8105 of 2005 filed in First Appeal No. 670 of 2004 and Civil Application No.8103 of 2005 filed in First Appeal No. 822 of 2004 are accordingly disposed of.

(ANIL S. KILOR, J.)