

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1260 OF 2004
WITH
CIVIL APPLICATION NO. 12518 OF 2005

- | | | |
|---|-----|--------------------------------------|
| 1. The State Government of Maharashtra
Through The Collector, District Nanded | | |
| 2. The Special Land Acquisition Officer,
Krishna Khore, Collectorate, Nanded. | | |
| 3. The Executive Engineer,
Vishnupuri Prkalp, Division No. 1,
Nanded | .. | Appellants
(Original Respondents) |
| Versus | | |
| Laxman s/o. Shamrao Patil,
Age 50 years, Occu. Service and Agri.,
R/o. Bhatapur, Ate Present Degloor,
District Nanded. | .. | Respondent
(Original Claimant) |
| Mr. S. S. Dande, AGP for Appellants. | ... | |
| | ... | |

CORAM : ANIL S. KILOR, J.

DATE : 30th APRIL, 2021

ORAL ORDER :-

The challenge raised in this appeal is at the behest of appellants - State of Maharashtra to the Judgment and Award, dated 21-08-2003 passed by the learned Civil Judge, Senior Division, Billoli, District Nanded, in Land Acquisition Reference No. 89 of 1999, granting enhancement of compensation towards land acquired.

2. The land-in-question was acquired for Lendi Project at Bhatapur, Taluka Mukhed, District Nanded. The notification under Section 4 of the Land Acquisition Act, 1894 (L.A.Act) was published in Government Gazette on 01-08-1998 and it came to published in Gram

Panchayat on 25-06-1996. The Award was declared on 18-12-1998 granting Rs.30/- per Square Meter for open plot and paid total amount of Rs. 1,02,465/- towards compensation for constructed house, which was found to be inadequate. Thus, being dissatisfied with compensation granted by the Special Land Acquisition Officer, a Reference was filed by the claimant, in which, amount of compensation was enhanced to Rs.36/- per Sq. M. for open plot and Rs.1600/- per Sq. M. for house, which comes to Rs.1,20,252/-. The same is questioned in the present appeal.

3. I have heard learned AGP appearing for the appellants. Despite service of notice, no appearance is caused on behalf of respondent-claimant.

4. I have gone through the record and proceedings and also perused the impugned Judgment and Award. From the Judgment and Award, it is revealed that the learned Reference Court after scrutinizing the oral as well as documentary evidence on record and also after considering the relevant factors as well as well settled principles of law has arrived at the amount of enhanced compensation.

5. The learned Reference Court has observed that on the perusal of the Award and also the attributions made by the petitioner that, the report was made in the officials just by taking the date from the other officials and without visiting the spot the Town Planning Officer by sitting at Aurangabad prepared the report.

6. It is further observed that, the petitioners were paid or awarded Rs.30.00 ps. per Sq.Mtr. for open plot or land and Rs.2,022-72 Ps. per Sq. Mtr. for house or constructed area. By adding 10% increases

since the date of notification value would come at Rs.36.00 Ps. per Sq. Mtr. for two years i.e. 20% increase or open plot or land and Rs.2,427.27 Ps. per Sq. Mtr. for house or constructed area.

7. The learned Reference Court has considered sale instances while determining the market value. The appellants have failed to point out any contra evidence or any perversity in above referred observations. Thus, I do not find any merit in the present matter.

8. Moreover, in view of the Government policy not to file appeal or to contest the appeal in the matter wherein the amount awarded by the learned Reference Court is not more than four times than the amount awarded by SLAO as per Government Resolution dated 03-11-2016 and subsequent corrigendum dated 23-02-2017 issued in that regard, I am of the view that on this count the appeal needs to be dismissed.

9. Accordingly, present first appeal stands dismissed. No order as to costs.

10. In view of the disposal of first appeal, nothing further survives for consideration in pending civil application, the same stands disposed of, accordingly.

(ANIL S. KILOR)
JUDGE

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