

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 556 OF 2003

The State of Maharashtra
 through Collector, Latur

.. Appellant
 (Original Respondent)

Versus

1. Mainuddin s/o. Ibrahim Sheikh, Age 45 years,
 2. Manjil s/o. Ibrahim Shaikh, Age 40 years,
 3. Harib s/o. Ibrahim Shaikh, Age 35 years,
 All Occu. Agril, R/o. Rui, Taluka Ahmedpur,
 District Latur.

.. Respondents
 (Original Claimants)

Mr. B. V. Virdhe, AGP for Appellant

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CORAM : ANIL S. KILOR, J.

DATE : 28th APRIL, 2021

PER COURT :-

The present appeal is filed by appellant-State of Maharashtra challenging the Judgment and Award, dated 04-05-1991 passed by learned Civil Judge, Senior Division, Latur, in Land Acquisition Reference No. 81 of 1991, enhancing the amount of compensation from Rs.4600/- per Acre to Rs.15,000/- per Acre.

2. The land-in-question is situated at village Rui, Taluka Ahmedpur, District Latur, and was owned by the respondent-claimant and the same was acquired by the appellant-State of Maharashtra for the construction of Upper Mannar Project at village Rui.

3. The notification under Section 4 of the Land Acquisition Act, 1894 (L.A.Act) was issued on 07-05-1986 and Award was declared on 01-05-1986. The Land Acquisition Officer has awarded compensation at the rate of Rs.4,600/- per Acre. Being dissatisfied with the amount of compensation

granted by LAO, the claimant had preferred a Reference under section 18 of the Land Acquisition Act, 1894 (L.A. Act), in which the amount of compensation has been enhanced to Rs.15,000/- per Acre. The same is under challenge.

4. I have heard learned AGP appearing for the appellant. Though appearance is caused on behalf of respondents-claimants, none present when the matter is called out.

5. The only contention of the learned AGP in this matter is that, the amount enhanced by learned Reference Court is exorbitant.

6. To consider the contentions of the learned AGP, I have gone through the record and proceedings and also perused the impugned Judgment and Award. After going through the Judgment and Award, it is revealed that the learned Reference Court has properly scrutinized the oral as well as documentary evidence in detail and after considering the well settled principles of law, enhanced the amount of compensation. I do not find any error committed by the learned Reference Court in this matter, particularly, in view of fact that nothing contrary or perverse has been pointed out by the learned AGP in this matter.

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

8. Accordingly, first appeal is dismissed. No order as to costs.

(ANIL S. KILOR)
JUDGE