

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

7 FIRST APPEAL NO.113 OF 2004

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| 1] The State of Maharashtra, through
District Collector, Nanded | APPELLANTS |
| 2] The Special Land Acquisition Officer,
B & C, First Floor, Janta Market,
Nanded | |

V E R S U S

- | | |
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| 1] Narayan S/o Tatya Bokare, Age 40 years,
Occupation Agriculture, Resident of
Ranati, Tq & Dist. Nanded | RESPONDENTS |
| 2] Laxman S/o Narayan, Age 30 years,
Occupation & resident of as above | |

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Mr. B.V. Virdhe, A.G.P. for the appellants-State
Nobody present for the respondents
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**CORAM : ANIL S. KILOR, J.
DATE : 30th APRIL, 2021**

ORAL JUDGMENT :

This appeal is filed by the State challenging the Judgment and Award dated 8th April, 1994, passed by the Civil Judge, Senior Division, Nanded, in Land Acquisition Reference No. 73 of 1991 enhancing amount of compensation from Rs.7,000/- per acre to Rs.18,000/- per acre towards land acquired.

2. The land in question was required for submergence of water of Vishnupuri Project. The notification under Section 4 of the Act was issued on 30th January, 1986 and Award was passed on 8th June, 1987. The claimant being dissatisfied with the amount of compensation granted by the Special Land Acquisition Officer, preferred a reference under Section 18 of the Land Acquisition Act for enhancement of the amount of compensation which is partly allowed vide impugned judgment and award dated 8th April, 1994. The correctness of the same, is under challenge in the present appeal.

3. Heard the learned A.G.P. for the appellants-State. None present for the respondents though served with notice.

4. The learned A.G.P. submits that the enhancement granted by the Reference Court is erroneous and the amount granted by the Special Land Acquisition Officer was just and fair and, therefore, no interference ought to have been made by the reference Court. He further points out that in view of the Full Bench Judgment of this Court in the case of ***State of Maharashtra versus Kailash Shiva Rangari***, reported in ***2016 [4] All M.R. 513***, the interest ought to have been granted from the date of Award.

5. After going through the record and proceedings and after perusing the Judgment and Award, it is revealed that the learned Reference Court after scrutinizing the oral as well as documentary evidence available on record, enhanced the amount of compensation.

6. It is further revealed that the learned Reference Court has considered all the relevant factors as per the well settled provisions of law relating to determination of the market value and compensation towards land acquisition.

7. It is clear from the impugned judgment that the reference Court has considered the prevailing price of adjacent land at the time of acquisition and recorded its reasons accordingly.

8. Learned A.G.P. failed to point out any perversity or error in the findings recorded by the learned Reference Court while granting enhancement of compensation. In that view of the matter, I do not find any merit in the present appeal. Accordingly, the appeal is dismissed. No order as to costs.

(ANIL S. KILOR, J.)