

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

FIRST APPEAL NO.1000 OF 2005

- 1) Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon,
- 2) The Executive Engineer,
Waghur Dam Division, Jalgaon,
- 3) The Collector, Jalgaon.

**...APPELLANTS
(Orig. Respondents)**

VERSUS

Sau. Kamalabai Pandit Kumawat,
Age-49 years, Occu:Agriculture,
R/o-Neri Bk., Taluka-Jamner,
District-Jalgaon.

**...RESPONDENT
(Orig. Claimant)**

AND

FIRST APPEAL NO.1001 OF 2005

- 1) Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon,
- 2) The Executive Engineer,
Waghur Dam Division, Jalgaon,

3) The Collector, Jalgaon.

**...APPELLANTS
(Orig. Respondents)**

VERSUS

Mangalbai Jayprakash Shelke,
Age-40 years, Occu:Agriculture,
R/o-Neri Bk., Taluka-Jamner,
District-Jalgaon.

**...RESPONDENT
(Orig. Claimant)**

...

AND

FIRST APPEAL NO.1002 OF 2005

1) Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon,

2) The Executive Engineer,
Waghur Dam Division, Jalgaon,

3) The Collector, Jalgaon.

**...APPELLANT
(Orig. Respondents)**

VERSUS

Vilas Ramkrishna Shelake,
Age-36 years, Occu:Agriculture,
R/o-Neri Bk., Taluka-Jamner,
District-Jalgaon.

**...RESPONDENT
(Orig. Claimant)**

...

AND

FIRST APPEAL NO.1006 OF 2005

- 1) Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon,
- 2) The Executive Engineer,
Waghur Dam Division, Jalgaon,
- 3) The Collector, Jalgaon.

**...APPELLANTS
(Orig. Respondents)**

VERSUS

Damu Bandu Kumawat,
Since deceased through L.R.s,

Aatmaram Damu Kumawat,
Age-54 years, Occu:Agriculture,
R/o-Neri Bk., Taluka-Jamner,
District-Jalgaon.

**...RESPONDENT
(Orig. Claimant)**

AND

FIRST APPEAL NO.1007 OF 2005

- 1) Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon,
- 2) The Executive Engineer,
Waghur Dam Division, Jalgaon,

3) The Collector, Jalgaon.

**...APPELLANTS
(Orig. Respondents)**

VERSUS

Shri Laxman Kautik Divare,
Since deceased through L.R.s,

1) Rukhmanbai Laxman Divare,
Age-43 years, Occu:Agriculture,

2) Aasha Murlidhar Patil,
Age-23 years, Occu:Nil,

3) Usha Vilas Patil,
Age-19 years, Occu:Nil,

4) Chhaya Laxman Divare,
Age-21 years, Occu:Nil,

5) Ranjana Laxman Divare,
Age-21 years, Occu:Nil,

6) Avinash Laxman Divare,
Age-13 years, Occu:Nil,

7) Shri Subhash Kautik Divare,
Since deceased through L.R.s,

7-A) Smt. Nirmalabai w/o Subhash Divare,

7-B) Mangesh S/o Subhash Divare,

7-C) Jyoti D/o Subhash Divare,

7-D) Vandana D/o Subhash Divare,

7-E) Puja D/o Subhash Divare,

All R/o-Kusumba (Kh.),
Taluka and District-Jalgaon.

8) Parvatabai Kautik Divare,
Age-65 years, Occu:Nil,

9) Sumanbai Kautik Divare,
Age-50 years, Occu:Nil,

10) Sunandabai Kautik Divare,

All R/o-Kusumba,
Taluka and District-Jalgaon.

**...RESPONDENTS
(Orig. Claimants)**

...
Mr. B.V. Virdhe, AGP for Appellants in all these Appeals.
None present for Respondents though served.

AND

FIRST APPEAL NO.1011 OF 2005

1) Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon,

2) The Executive Engineer,
Waghur Dam Division, Jalgaon,

3) The Collector, Jalgaon.

**...APPELLANTS
(Orig. Respondents)**

VERSUS

Sau. Shantabai Ramdas Bhoi,
Age-57 years, Occu:Agriculture,
R/o-Neri Bk., Taluka-Jamner,
District-Jalgaon.

**...RESPONDENT
(Orig. Claimant)**

...

AND

FIRST APPEAL NO.1008 OF 2005

- 1) Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon,
- 2) The Executive Engineer,
Waghur Dam Division, Jalgaon,
- 3) The Collector, Jalgaon.

**...APPELLANTS
(Orig. Respondents)**

VERSUS

Ramlal Laxman Kumawat,
Age-52 years, Occu:Agriculture,
R/o-Neri Bk., Taluka-Jamner,
District-Jalgaon.

**...RESPONDENT
(Orig. Claimant)**

AND

FIRST APPEAL NO.1009 OF 2005

- 1) Special Land Acquisition Officer (I),
Upper Tapi Project, Hatnur,
Jalgaon,
- 2) The Executive Engineer,
Waghur Dam Division, Jalgaon,
- 3) The Collector, Jalgaon.

**...APPELLANTS
(Orig. Respondents)**

VERSUS

Supadu Fakira Kumbhar,
Age-62 years, Occu:Agriculture,
R/o-Neri Bk., Taluka-Jamner,
District-Jalgaon.

**...RESPONDENT
(Orig. Claimant)**

...
Mr.S.S. Dande, AGP for Appellants in all these Appeals.
None present for Respondents though served.
...

CORAM: ANIL S. KILOR, J.

DATE : 5th MAY, 2021

ORAL ORDER :

1. The present Appeals are arising out of the Judgments and Award dated 30th April 2005 passed by the Civil Judge, Senior Division, Jalgaon, in Land Acquisition Reference Nos.190 of 2001, 187 of 2001, 195 of 2001, 179 of 2001, 185 of 2001, 193 of 2001, 194 of 2001 and 181 of 2001, enhancing the amount of compensation for the acquired lands. All these appeals are arising out of the same project and same acquisition proceedings.

2. The lands in question are acquired for the purpose of submergence of Waghur Project, District-Jalgaon. The Section 4 Notification was issued on 12th June 1997. Thereafter, Award was passed on 13th March 2000. Feeling dissatisfied with the amount of compensation granted by the Special Land Acquisition Officer, References were preferred under Section 18 of the Land Acquisition Act, 1894 in which the amount has been enhanced to the tune of Rs.1,22,000/- per hectare from Rs./-77,400/-. The said Judgments and Awards are under challenge in these Appeals.

3. I have heard the learned AGP for the appellant-State of Maharashtra. None present for the respondents-claimants.

4. The only ground challenging the impugned Judgments and Awards is that, the amount granted by the learned Reference Court is exorbitant and further the learned Reference Court failed to consider the sale instances

considered by the Special Land Acquisition Officer while issuing the awards.

5. To consider the contentions raised by the learned AGP, I have gone through the record and proceedings and also perused the impugned Judgments and Awards.

6. After going through the Judgments and Awards, it is revealed that the learned Reference Court has scrutinized the oral as well as documentary evidence available on record in detail, while determining the market value. The learned Reference Court has also considered the relevant factors which are to be taken into consideration as per the well settled principles of law, while arriving at a just and fair compensation.

7. Learned Reference Court relied upon the Judgment of the Hon'ble Supreme Court of India in the case of ***Trivenidevi vs. Collector***¹, and accordingly considered various factors and guidelines together with methodology to

1 AIR 1972 SC 1417

arrive at a finding regarding market value, which is recorded in Para 15 of the impugned Judgment. The learned Reference Court also considered the other Judgments of the Apex Court and the High Courts and recorded its appreciation of oral as well as documentary evidence in Para 25 onwards of the Judgment. It was observed that there were as many as 60 transactions of sale instances of lands between the period from 11th June 1994 to 12th June 1997 and the market value was ranging from Rs.37037/- per hectare upto Rs.6,60,060/- per hectare. The learned Reference Court, taking the sale instances from the proximity angle of time, decided the market value as Rs.1,22,000/- per hectare, which according to me, is just and fair.

8. Nothing has been brought on record by the appellant in these matters to show contrary or to show perversity in the findings recorded by the learned Reference Court. In that view of the matter, I do not find any merit in the present matters.

9. Moreover, there is one additional reason for dismissal of these appeals and the same is that, now, in view of the policy decision of the State Government, as per Government Resolution dated 3rd November 2016 and corrigendum issued to the to the same, whereby it was resolved not to file or contest any appeal wherein the amount is well within four times. There is no dispute that in these matters enhanced amount of compensation is well within four times than the amount awarded by the Special Land Acquisition Officer and therefore, on this count also, I do not find any reason to interfere with the Judgments and awards impugned in the present matters.

10. Thus, for the reasons recorded herein above, I do not find any error committed by the learned Reference Court in these matters. Accordingly all the Appeals are dismissed. No order as to costs. Pending Civil Applications, if any, are also disposed of.

[ANIL S. KILOR, J.]