

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

360 FIRST APPEAL NO. 360 OF 2015

1. The State of Maharashtra
Through The Collector, Beed.
2. The Executive Engineer,
J. P. Drainje Construction Division No. 3,
Beed.

... APPELLANTS
(Ori. Respondents)

VERSUS

1. Ramhari S/o. Ramkrushna Chavan,
Age – 70 years,
2. Uttareshwar S/o. Ramhari Chavan,
Age – 40 years,
3. Prameshwar s/o. Ramhari Chavan,
Age – 38 years,
All Occu. Agril., R/o. Imampur,
Tq. And Dist. Beed.

... RESPONDENTS
(Ori. Claimants)

Shri. M. M. Nerlikar, AGP for the appellants/State
Shri. N. K. Tungar, Advocate for respondent Nos. 1 to 3.

CORAM : M. G. SEWLIKAR, J.

DATED : 09-02-2021

ORAL ORDER:-

. Rule. Rule made returnable forthwith. With the consent of the parties heard at the stage of admission.

2. This appeal is preferred against the judgment and award passed by the reference Court (Jt. Civil Judge Senior Division, Beed) dated 02/01/2012 in Land Acquisition Reference No. 153/2011 whereby the amount of compensation has been enhanced.

3. Factual aspects leading to this appeal can be succinctly stated as under.

4. The land of the claimants to the extent of 68 Are out of Gut No. 90 from village Imampur, Taluka and District Beed was acquired for construction of village Tank No. 4, Imampur, Taluka and District Beed. The Special Land Acquisition Officer awarded compensation at the rate of Rs.400/- per Are. Aggrieved by the award of SLAO, the claimants preferred reference before the learned Civil Judge, Senior Division who decided the reference and enhanced the compensation to Rs.1800/- per Are.

5. Learned AGP Shri. Nerlikar vehemently submitted that the enhancement is exorbitant and without any basis. Learned counsel Shri. Tunger drew the attention of this Court to the sale deed dated 22/03/2005 (Exhibit 16) vide which the land of village Imampur was sold at the rate of Rs.1800/- per Are. The learned reference Court considered this sale instance and therefore the learned reference Court enhanced it to Rs.1800/- per Are. It is pertinent to note that the date of notification is 31/10/2006 and the sale instance is much prior to that i.e. 22/03/2005. Date of award is 31/03/2008. It appears that the SLAO did not consider this sale instance. The learned reference Court considered the sale instance in its proper perspective. Paragraph 16 of the judgment of the reference Court shows that findings in another LAR were considered in which compensation at rate of Rs.1800/- per Are was awarded. Therefore, the reference Court did not commit any error in awarding the compensation at the rate of Rs.1800/- per Are.

6. In this view of the matter, this Court does not find any merit in the appeal. Appeal is therefore dismissed with no order as to costs. Civil application is disposed of.

Rule made absolute in those terms.

[M. G. SEWLIKAR, J.]

ssp