

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

FIRST APPEAL NO.3689 OF 2016

- 1] The Executive Engineer
Nimna Dudhna Prkalp,
Selu, Dist. Parbhani
Presently Jalna Irrigation Division, Jalna
Rohidas s/o.Bhoju Somwanshi,
Age: 54 years, Occ : Service.
- 2] State of Maharashtra,
Through Collector, Jalna.
- 3] Special Land Acquisition Officer,
(E & D), Jalna. **.. APPELLANTS**

VERSUS

- 1] Vaijinath Yadavrao Akat
Age: Major, Occ : Agriculture,
R/o. Satona (Khurd), Tq. Partur,
Dist. Jalna.
- 1-A] Mahesh s/o. Vaijinath Akat,
Age: 42 Yrs. Occup : Agriculture
- 1-B] Prabhavatibai w/o. Vaijinath Akat,
Age-67 Yrs. Occup : Agriculture
Both R/o. Plot No.12, Shajivan nagar,
Ambad Road, Behind Vitthal Temple,
Old Jalna, Dist. Jalna. **.. RESPONDENTS**

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Mr.Shyam C. Arora, Advocate for the appellants.
Mr.V.D.Hon, Senior Advocate i/b. Mr.Ashwin V.Hon,
Advocate for respondent No.1A.

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CORAM : S.G.DIGE, J.

DATE : 19.10.2022

ORAL JUDGMENT :

1] Being aggrieved and dissatisfied with the judgment and award passed by the 3rd Joint Civil Judge Senior Division, Jalna [for short 'the Reference Court'], the appellants – original respondents preferred this appeal.

2] It is the contention of the learned counsel for the appellants that the Reference Court has enhanced the compensation on the basis of the award passed in LAR No. 46/2010 from the same project but the compensation cannot be enhanced on the basis of the award passed in other matters without comparing advantages and disadvantages in both the lands, hence, requested to allow the appeal.

3] It is the contention of the learned counsel for the respondents that the land of the appellant is situated at village Satona [Khurd], Taluka Partur, District Jalna. It was

acquired for the purpose of Nimna Dudhna Project. The Reference Court relied on the award from the same village and from the same acquisition, hence, there is no reason to questioning it. Moreover, the enhancement granted by the Reference Court is within four times. As per the Government Resolution dated 3rd November, 2016, if the enhancement is granted within four times, it should not be challenged, hence, requested to dismiss the appeal.

4] I have heard both learned counsel. Perused the judgment and award passed by the Reference Court. The land of the respondents – original claimants is situated at village Satona [Khurd], Taluka Partur, District Jalna. The land of the respondents - claimants situated in Gat No.48 to the extent of 5 Hector 74 R. was acquired by the State for Nimna Dudhna project. The Special Land Acquisition Officer has awarded the compensation of Rs.650/- per R. for dry land and Rs.1300/- per R. for irrigated land. The Reference Court has enhanced it to Rs.2000/- per R. for dry land and Rs.4000/- per R. for irrigated land. In my view, enhanced

compensation is within four times. As per the Government Resolution dated 3rd November, 2016, the compensation in which the enhancement is within four times, in such matters appeal should not be preferred.

5] In view of the above, I pass the following order:-

ORDER

i] Appeal is dismissed.

ii] No order as to costs.

iii] The respondents are permitted to withdraw deposited amount along with accrued interest thereon by the appellants.

iv] The learned counsel for the respondents submits that while withdrawing the amount, the respondents have furnished bank guarantee for 25% amount, it be released.

In view of dismissal of the appeal, the bank guarantee given by the respondents be released.

v] Appeal is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC