

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

FIRST APPEAL NO.310 OF 2005

APPELLANT : The State of Maharashtra,
(Ori. Respondent on R.A.) Through the Collector, Buldana.

//VERSUS//

RESPONDENT : Sakru Raising Jadhav,
(Ori. Petitioner On R.A.) Age- 45 years, Occupation : Agriculturist,
R/o, Mohana, Tq. Mehkar,
Distt. : Buldana.

Shri N.R. Patil, AGP for the Appellant/State.
Shri Nikhil Waghmare, Advocate h/f Shri P.B. Patil, Advocate for the
Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 2nd FEBRUARY, 2022.

ORAL JUDGMENT

01] This is an appeal under Section 54 of the Land Acquisition Act, 1894, challenging the judgment dated 17th September, 2003 passed by learned Civil Judge, Senior Division, Buldana in L.A.C. No.63/1992. By the impugned judgment, the Reference Court has enhanced the compensation from Rs.12,000/- to Rs.30,000/- per hectare in respect of the land admeasuring 1H. 82R. under Gat No.28, situated at village Mohana.

02] The brief facts necessary to decide this appeal are as under:

The Respondent, who shall be hereinafter referred as the Claimant, was the owner of the land under Gat No.28, admeasuring 1H. 82R. situated at village Mohana, Tq. Mehkar, Dist. Buldana. The said land was acquired by the State for the purpose of construction of submergence of Torna Larger M.I. Tank. The notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") was published on 5th July, 1990, and the Award was declared on 23rd March, 1992. The Land Acquisition Officer awarded compensation at the rate of Rs.12,000/- per hectare. Being dissatisfied with the quantum of compensation awarded by the Land Acquisition Officer, the Claimant filed a Reference under Section 18 of the said Act. Upon considering the evidence on record, the Reference Court enhanced the compensation to Rs.30,000/- per hectare. Being aggrieved by the quantum of compensation awarded by the Reference Court, the Appellant/State has filed this appeal.

03] Heard Shri N.R. Patil, learned AGP for the Appellant/State and Shri Nikhil Waghmare, learned counsel holding for Shri P.B. Patil, learned counsel for the Respondent. I have perused the records.

04] The records reveal that the acquired land was an agricultural land, situated near the river and was having irrigation facility. The Claimant was growing groundnut, wheat and other crops in the acquired

land. Considering the nature of the land and relying upon the sale transaction, the Reference Court has enhanced the compensation to Rs.30,000/- per hectare. The compensation determined by the Reference Court cannot be said to be exorbitant and unjustified. Moreover, Government Resolution dated 6th November, 2016 and Corrigendum dated 11th May, 2018 reveal that the Government has already taken a decision not to challenge the judgments wherein enhancement is less than four times of the compensation awarded by the Land Acquisition Officer. Considering the fact that the compensation awarded by the Reference Court is less than four times the compensation awarded by the Land Acquisition Officer and also considering the reasons stated in the impugned judgment, I am not inclined to interfere with the impugned judgment.

05] Hence, the Appeal stands dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

Vijay