



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH

FIRST APPEAL NO. 1182 OF 2009

1. The State of Maharashtra,
through its Collector, Akola, District – Akola.
2. The Sub-Divisional Officer &
Special Land Acquisition Officer for
Dagadparwa Dam, Tq. Barshitakli,
District – Akola.
3. The Executive Engineer of Minor Irrigation
for Dagadparwa Dam, Akola,
Tah. and District – Akola.

...APPELLANTS

Versus

Shri Deepak Laxman Sarode,
aged about 42 years, Occ. Agriculturist,
R/o Dagadparwa, Tq. Barshitakli,
District – Akola.

...RESPONDENT

Ms Deepali Sapkal, A.G.P for appellant nos. 1 and 2.
Shri M.A. Kadu, Counsel for appellant no.3.
None for the respondent.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 13, 2024

ORAL JUDGMENT :

Heard the learned Counsel for the appellants. None
present for the respondent.

2] The appellants – State of Maharashtra and V.I.D.C. have filed present appeal under Section 54 of the Land Acquisition Act, 1894 (for short “Act of 1894”) read with Section 96 of the Code of Civil Procedure, 1908. The appellants are aggrieved by the judgment and award dated 3/3/2006 passed by the 2nd Adhoc Additional District Judge, Akola in Land Acquisition Case No. 88/2002.

3] The point for consideration is whether the Reference Court erred in fixing the enhanced compensation. The answer is in the negative for the reasons to follow.

4] The respondent’s land, bearing Survey No. 25, admeasuring 1.01 HR, situated at Village – Barshitakli, District – Akola, was acquired by the appellants for the purpose of Dagadparwa Dam. Notification under Section 4 of the Act of 1894 was published on 8/3/1999. The Land Acquisition Officer (L.A.O.) declared the award on 2/6/2001. He has granted compensation @ Rs.79,000/- per hectare. The Reference Court has enhanced the compensation to Rs.1,06,050/- per hectare.

5] The Reference Court has noted a sale instance of 15/4/1997. Land admeasuring 86 R was purchased @ Rs.50,000/- per acre. The Reference Court then noted, from the award, that the L.A.O. has considered a sale instance of the same Village, i.e., Village – Atkali. The land, bearing Survey No. 19/1 admeasuring 86 R, was purchased for Rs.1,00,000/-, which appears to be the above sale instance. The L.A.O. has observed that this land is abutting the main road and, accordingly, reduced the price. The Reference Court was of the view that though the land acquired may not fetch Rs.50,000/- per acre, fair compensation would be Rs. 42,000/- per acre. Thus, the Reference Court has reduced the compensation by about 15%.

6] Shri Kadu, learned Counsel for V.I.D.C. submits that the respondent has failed to adduce cogent and reliable evidence in support of the enhanced compensation. The Reference Court has, without verifying comparable values, has awarded the aforesaid compensation. The compensation has

been granted merely on guesswork and, therefore, is unsustainable.

7] I do not find substance in the aforesaid submissions inasmuch as the sale instance, considered by the Reference Court, is two years prior to the date of publication of Notification under Section 4 of the Act of 1894. The transaction relates to the land situated in the same Village, i.e., Village – Atkali. The purchase value was Rs.50,000/- per acre. It is common knowledge that rates of immovable properties are enhanced by 7 to 10% per year. Thus, in two years, the amount would be enhanced from Rs.50,000/- per acre to around Rs.60,000/- per acre.

8] This land was situated adjacent to the main road, whereas the acquired land was not so situated and, therefore, the Reference Court has reduced the valuation by about 15%, that too, for the rate attracted in the year 1997. This approach appears to me to be fair and reasonable.

9] I am, therefore, not inclined to interfere with the impugned award. The appeal is accordingly dismissed.

JUDGE

Sumit