

Received on :- 13/07/2005

Registered on :- 13/07/2005

Decided on :- 28/06/2013

Duration:- 07 Y., 11 M., 15 D.

IN THE COURT OF JOINT CIVIL JUDGE SENIOR

DIVISION AT - NILANGA

[Presided over by GODEPURE V.G.]

Land Acquisition Reference No. 45/2005

Exh. No. 43

Laxman Narsingrao Rathode,

Age- 28 yrs., -Occ.-Agriculture

R/o- Sangvi (J). Tal. Nilanga,

Dist. Latur.

- CLAIMANT

VERSUS

1] The State of Maharashtra,

Through The Collector, Latur,

2] The Executive Engineer,

Lower Terna (Left Bank)

Project Div.2, Latur.

--RESPONDENTS

Land Acquisition Reference No. 47/2005

Shrihari Venkat Sartape (Dead)

Legal Heirs-

1] Smt. Prabhavati Shrihari

Sartape, Age- 60 yrs., Occ.-

Household, R/o- Sangvi (J),

Tal. Nilanga, Dist. Latur.

2] Vinayak Shrihari Sartape,

Age- 38 yrs., Occ.- Agriculture,

R/o- As Above,

3] Angad Shrihari Sartape,

Age- 36 yrs., Occ. & R/o-

As Above,

- CLAIMANTS

VERSUS

1] The State of Maharashtra,

Through The Collector, Latur,

2] The Executive Engineer,

Lower Terna (Left Bank)

Project Div. 2, Latur.

--RESPONDENTS

28/6
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Land Acquisition Reference No. 48/2005

Deelip Babu Sartape,

Age- 35 yrs., -Occ.-Agriculture

R/o- Sangvi (J). Tal. Nilanga,

Dist. Latur.

- CLAIMANT

VERSUS

1] The State of Maharashtra,

Through The Collector, Latur,

2] The Executive Engineer,

Lower Terna (Left Bank)

Project Div.2, Latur.

--RESPONDENTS

Land Acquisition Reference No. 50/2005

Manik Shamrao Sartape,

Age- 55 yrs., -Occ.-Agriculture

R/o- Sangvi (J). Tal. Nilanga,

Dist. Latur.

- CLAIMANT

VERSUS

1] The State of Maharashtra,

Through The Collector, Latur.

2] The Executive Engineer,
Lower Terna (Left Bank)
Project Div.2, Latur.

-RESPONDENTS

Land Acquisition Reference No. 52/2005

Sitaram Dajiba Sartape,
Age- 55 yrs., -Occ.-Agriculture
R/o- Sangvi (J). Tal. Nilanga,
Dist. Latur.

- CLAIMANT

VERSUS

1] The State of Maharashtra,
Through The Collector, Latur,

2] The Executive Engineer,
Lower Terna (Left Bank)
Project Div.2, Latur.

--RESPONDENTS

**Claim :- Reference under section 18 of the Land
Acquisition Act 1894 for enhancement
of compensation.**

Mr. A. D. Waghmare, Learned counsel for Claimants
Mr. A.S. Patil, Additional Govt. Pleader for Respondent
no.1, Mr. V.S. Pawar Adv. For Respondent no. 2.

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COMMON JUDGMENT

[Pronounced in open court on 28/06/2013]

1] The Land acquisition reference No. 45/2005 is filed by claimant Laxman Narsingrao Rathode, for the enhancement of the compensation in respect of acquired land S. No. 72, ad measuring 22 R., Claimant Shrihari Venkat Sartape, has filed Land Acquisition Reference no. 47/2005 for the enhancement of the compensation in respect of acquired land bearing S. No. 96/2, ad measuring 04 R., Claimant Deelip Babu Sartape, filed Land Acquisition reference No. 48/2005, for the enhancement of the compensation in respect of land S. No. 97/1, area ad measuring 36 R., the Claimant Manik Shamrao Sartape, filed Land Acquisition Reference N. 50/2005, for the enhancement of the compensation in respect of land S. No. 96/1, area ad measuring 05 R., the Claimant, Sitaram Dajiba Sartape, filed Land Acquisition bearing No. 52/2005, for the enhancement of the compensation in respect of land S. No. 74 area ad measuring 11 R., against the Respondent No. 1 & 2.

2] Since all the five references are from the same village, Sangvi (J), Tal. Nilanga, Dist. Latur, same group & same award was passed & the facts & circumstances are the same & the issues to be

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determined are identical, so for the sake of convenience all the four references are clubbed together for recording of common evidence in L.A.R. No. 45/2005. By considering that all the references are heard together, hence I opted to deliver the common judgment.

3] Some admitted facts found on which there is no controversy amongst the parties, those are as follows :-

That the respondents have acquired the lands from two references from village Sangvi (J), Tal. Nilanga, Dist. Latur, those are :-

Sr n	Reference No	Name of claimant	Sy. No.	Acquired area
1	45/2005	Laxman Narsingrao Rathode	72	22 R.
2	47/2005	Shrihari Venkat Sartape	96/2	04 R.
3	48/2005	Deelip Babu Sartape	97/1	36 R.
4	50/2005	Manik Shamrao Sartape	96/1	05 R.
5	52/2002	Sitaram Dajiba Sartape	74	11 R.

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It is seen from the record that the respondents have acquired the lands of the claimants for the construction of left bank canal of Lower Terna project at village Sagvi (J), Tal. Nilanga. Respondents have issued the notification under section 4 & 6 of The Land Acquisition Act on 14/09/2000 & The Special Land Acquisition Officer passed award on 24/01/2002

It is the case of the claimants that, the respondents served the notices upon them under section 9 (3) (4) of the Land Acquisition Act, accordingly the claimants filed a written objection before the Land Acquisition Officer & claimed compensation for the acquired land @ Rs. 1,00,000/- per acre, also filed the sale agreements in support of their claim. The same was not accepted by the Land Acquisition Officer & as he was not satisfied, the Officer awarded the compensation for the acquired land, which is highly inadequate. According to the claimants the L.A.O. has acquired the lands for the non agriculture purpose, so the L.A.O. ought to have awarded compensation as a non agriculture land. The L.A.O has not considered the N.A. Potentiality of the acquired land. The acquired land is of a rich quality & more valuable land. The channels of the lower Terna are passing just adjacent to the acquired land. The claimant are taking the crops like sugarcane, grams, pluses, wheat cotton, sunflower, & other cash crops. So the costs of the acquired land is about Rs. 1,00,000/- per acre. The land under acquisition is at nearer distance from village. The village Sangvi (J) is very nearer to Nilaga, Killari, Ausa, Udgir, & Latur. The village is well developed,, having every facilities like school, hospital, transportation, light, telephone etc. The village Sangvi (J) is socially &

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economically developed. In this circumstances it is crystal clear that the land of the claimants bears the high market value. So the L.A.O. ought to have consider all these aspects & to determine the fair market value of the claimant's land, but unfortunately L.A.O. has not taken a slightest haste to ascertain the fair market value of the claimant's land & as such awarded the most inadequate compensation to the claimants & caused the great injustice to claimants. But these factors are not taken into consideration by L.A.O. while passing award. So the market price of the lands from village Sangvi (J), is increasing & at the time of the acquisition of the lands it was approximately Rs. 1,00,000/- per acre. L.A.O. has not considered the above factual aspects of the acquired lands & also has not followed the principles laid down by the Govt, in respect of acquisition of lands. Though the lands are fully irrigated but the L.A.O. has wrongly considered those lands as dry lands. The L.A.O has awarded the compensation for acquired land @ of Rs. 655/- P.R.. The claimant received the notices under section 12 (2) of the Act & received the payment of award under protest by the claimant on 18/08/2004. So the claimants have claimed the enhanced compensation amount @ Rs.1,00,000/- P.A. along with the other statutory benefits. Hence the claimants have filed these references to enhance the compensation amount.

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4] As per the service of the notices the respondents no.1, appeared through the Govt. Pleader, & filed the say at exh. 12. Respondent no.2 also appeared through the advocate & contested the reference by filling say at exh.14. According to the respondents the references filed by the claimants are totally false, baseless & imaginary & hence denied. The contents of the reference except the acquisition of lands of the claimants shown in award are imaginary & false, hence denied. The acquired lands are of medium type quality & the claimants used to grow up only the kharip crops from those lands. There is no permanent source of water for the irrigation of those lands. Further it is pleaded that the claimants have not produced any documentary cogent evidence regarding quality, fertility & the productivity of the acquired lands. Also to claimant have not produced any documentary evidence regarding their annual income from the acquired lands. It is further submitted that the Land Acquisition Officer prior to passing the award personally visited the spot, verified existing surrounding circumstances of the vicinity & locality of the acquired lands. The Land Acquisition Officer after making the Inquiry from the neighbors & considering the location & situation from the said vicinity & also by taking into consideration the quality, fertility & productivity of the acquired lands &

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has passed most reasonable award. Also the Land Acquisition Officer obtained the sale instances of the material date from the price index of the concern sub registrar office & awarded most reasonable price as per the prevailing marketable rates on the date of the notification under section 4 of the L. A. Act. Even when the Land Acquisition officer issued a notices to the claimants under section 4 & 6 of the L. A. Act, the claimants have not raised any objection before L.A.O. In respect of their claim. Even the claimants have admitted that they are not going to claim the rental compensation before L.A.O. Of the acquired lands, hence no question arose of taking the possession of lands by private negotiation. Also the claimants are not entitled to claim any interest prior to the notification under section 4 of the Act. Also the claimants have not produced any documentary evidence regarding the structure, bands & trees in the acquired lands. The claimants have withdrawn the amount of compensation without any protest hence they are not entitled to claim enhancement of the compensation. The claimants have not filed their references within the period of limitation, therefore these references are liable to be dismissed.

28/6
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5] By considering the rival pleadings of the claimants & the respondents, I framed the issues at exh. 15. Those issues are reproduced by me for my

determination & I have recorded my findings along with the reasons stated thereon :-

ISSUES

ISSUES

FINDINGS

1] Whether the claimants proves that the Land Acquisition Officer awarded meagre amount of compensation to them? - In Affirmative

2] What is the market price of the land on the date of issuance of the notification under section 4 of The Land Acquisition Act? - Rs. 1400/- per R.

3] Whether references filed by the claimants are within limitation? - In Affirmative

4] What order & decree? - As per final order.

REASONS

6] As to Issue no. 3 :-

According to the respondents the reference

filed by the claimant is not within the limitation. According to the respondents, the L.A.O. has passed the award on 24/01/2002 & the claimants have filed the reference on 29/09/2004, so the references are not within the limitation. In respect of the asking a relief of enhancement in the compensation the section 18 provides the period of limitation. **Section 18 (2)** reads as follows-

The application shall state the grounds on which objection to the award is taken:

PROVIDED that every such application shall be made,-

a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award ;

b) In other cases, within six weeks of the receipt of the notice from the Collector under section 12(2) or within six months from the date of the Collector's award, whichever period shall first expire.

Here in this case the respondents have not filed any evidence to prove that at the time when the award was passed either claimant or any representative of the claimants were present before them. Also the respondents have filed the statement of the acquisition proceeding u/sec. 19 on record. In which it has come on record that the L. A. O. has passed the award on

28/6
C-5

24/01/2002, the copy of the award is at exh.25. The award contents that the notices under section 12 (2) is issued to the claimants, but there is no evidence adduced on record, that those notices are actually served on the claimants. The present references are filed by the claimants on 29/09/2004. The award is passed by the L.A.O. on 24/01/2002. The claimants have withdrawn the compensation amount under protest on 18/08/2004. So I find that the claimant have filed the present references within the period of limitation. Also it is seen that while the reference was filed before Hon'ble Dist. Court by L.A.O., the L.A.O. is filed one certificate containing that the reference filed by the claimant is within the stipulated period of limitation. Hence I answered issue no 3 in affirmative

7] As to issue no. 1 :-

The applicants have filed the copy of E statement at exh. 26 & the copy of the award at exh. 25, as both the documents are perused it shows that the respondents have acquired the lands of the claimants for the purposes of construction of left bank canal of Lower Terna Project of village Sangvi (J). The L.A.O. has formed the 5 groups as per the quality of land on the basis of the revenue assessments of the lands. The L.A.R. placed the acquired lands into group

no.II, while passing the award (exh. 22). While passing award the L.A.O. considered following sale deeds.

Sr. No	S. No.	Area	Date	Consideration amount	Rate Per Hec.	10% increase P.R.
1	45/C	84 R.	03/04/1998	47,000/-	52,952/-	640/-
2	87/B	41 R.	06/04/1998	25,000/-	60,976/-	730/-
3	34	40 R.	22/04/1998	25,000/-	62,500/-	750/-
4	27	82 R.	22/04/1998	46,000/-	56,098	672/-
5	98/A	41 R.	23/04/1998	25,000/-	60,976/-	737/-
6	48/B	53 R.	24/04/1998	30,000/-	56,604/-	679/-
7	41/A	83 R.	29/04/1998	50,000/-	60,241/-	724/-
8	94/B	56 R.	23/03/1999	37,000/-	66,071/-	726/-
9	72/B	1 H., 2 R.	09/04/1999	61,000/-	59,804/-	659/-
10	98/A	69 R.	09/04/1999	61,000/-	88,404/-	972/-
11	63/B	31 R.	02/05/2000	30,000/-	46,774/-	467/-
12	79	1 H., 9 R	06/06/2000	1,00,000/-	94,340/-	943/-
13	57/A	90 R.	14/02/2001	60,000/-	66,667/-	599/-
14	27/B	46 R.	14/02/2001	70,000/-	1,52,174/-	1369/-
15	98/A	30 R.	31/03/1001	29,500/-	98,333/-	885/-

By considering the all the above sale deeds the L.A.O. while passing award, averagely considered the market value of the lands from group no. 4 at Rs. 65,500/- Per Hector. Also the L.A.O. Found the ready Reckoner gave the rate of the lands from the village Sangvi (j) as Rs. 62,000/-. But the L.A.O. depend upon the rate shown by the sale deed which is amount of Rs. 65,500/- per H & granted the same rate. It means the highest price of the land is not considered by the L.A.O. The compensation awarded by holding that all the lands

are dry lands. So the L.A.O has not properly observed the market value of the acquired land & has accepted the less price of the acquired land than the land which is having poor quality then acquired land.

8] The L.A.O. has accepted theory of assessment of the compensation on the basis of land revenue, but it has not explained in the award that under which Act or rule the said theory is adopted by him. In fact in the case of **Baliram Girdhar Patil Vs. State of Maharashtra, 2006 (6) Mh. L.J. P. 82**, it is held by the Hon'ble Bombay High Court bench at Aurangabad, that, the adopted by the L.A.O. on the basis of the land revenue of that land, is erroneous. So by considering the above view it is seen that the L.A.O. has not followed the appropriate theory for the determination of the market value of the acquired land. Therefore I answered issue no.1 in affirmative.

9] **As to issue no. 2 :-**

So as to prove the prevailing market price of the acquired land the claimant, Deelip Babu Sartape, deposed on oath at exh. 34. In the documentary evidence the claimants have filed, certified copy of the award passed by the L.A.O. at exh. 25, certified copy of the E statement at exh. 26, certified copy of the sale

828/6
C-5

deed dated 11/05/1999 at exh. 27, 7/12 extract of land S. No. 96/A at exh. 29, 7/12 extract of land S. No. 97/A at exh. 30, 7/12 extract of land S. No. 96/B at exh. 31, 7/12 extract of land S. No. 76/A at exh. 32, 7/12 extract of land S. No. 74 at exh. 33.

10] The claimant in his evidence deposed that, the acquired land is situated at the vicinity of village Sangvi (J). He is the owner & possessor of land S. No. 97/A. Out of which the L.A.O. has acquired area respectively 36 R., for the construction of left canal of Lower Terna Project canal at village Sangvi (J). It is further deposed that when the L.A.O. has issued the notices to them under section 4 & 9, they lodged the oral objection before the L.A.O., but the L.A.O. has not considered the facts while determination of the award & wrongly assessed the rate of 655/- per R for acquired land. The award is passed at the back behind of the claimants & it is highly inadequate. It is further deposed that the L.A.O. has passed an award on the basis of the assessment of the land revenue which is 100 years old system & contrary to the provisions of the Law. The claimant's land is situated at the vicinity which is best for cultivation. But the L.A.O. has considered the land of the claimants as dry lands. Even the L.A.O. has not considered the sale instances from the village Sangvi(J), while passing the award. The village Sangvi(J) is

2296
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situated near Nilanga, which is the taluka & market place. The village population is about 4000/-, having facilities of electricity, education, hospital, bus stand etc. Also two sugar factories are near to village Sangvi(J). Also the L.A.O. has considered the lowest sale deeds while determining the market price of the acquired lands. The lands of claimants are having green potentialities, fertile quality, having black cotton soil & resources available for continuous irrigation. The lands of the claimants are having irrigation from the water of river & having the water well. So the claimants used to grow up the crops like sugarcane, chilly, sunflower, paddy, vegetables etc. So the claimant has claimed that the market price of the acquired lands is @ Rs 1,00,000/- per acre. Also claimed other benefits.

11] In the documentary evidence the claimant has relied upon the following sale deeds.

Sr. No.	S. No.	Area	Date	Amount of consideration	Rate per Hec.
1	106	2 R.	11/05/99	9000/-	4,50,000/-

The sale deeds filed shows the rate as Rs. 4500/- P.R. & Rs. 1186/- P.R. It is seen that both the sale deeds are from village Sangvi (J). In case of the first sale deed, it reveals that, the sale deed is in respect of the land S. No. 106 area ad measuring 2 R. Certainly the said

transaction is not for the agriculture purpose. It is stated by the claimant in cross examination that, at the south side of the said land there is Terna river the said 2 R., land is purchased for affixing the electric motor to fletch the water from the river to the land of purchaser, which is adjacent to the said land. Also it is stated by claimant in cross examination that, the purchaser purchased said land to have a access to him from his land to river. That means the transaction is for the non agriculture purpose & it is commercial transaction. Hence the purchaser has paid the excess amount. So I find the said sale deed could not be the reliable evidence to determine the market value of the present acquired land. Further the second sale deed which also from village Sangvi (J) & it is of S. No.5/A which adjacent to the acquired land & liable to be considered in the present case.

12] On the other hand the learned A.G.P. has relied upon the following sale deeds.

Sr. No.	S. No.	Area	Date	Amount of consideration	Rate per Hec.
1	5/A	1 H., 10 R.	23/02/1998	75,000/-	68,181/-
2	33/A-1	2 H. 2 R.	24/04/1998	1,25,000/-	61/881/-
3	72/A	1 H., 2 R.	09/04/1999	61,000/-	59,803/-
4	72 B	1 H., 21 R.	29/09/1999	75,000/-	61,983/-

13] It is seen that, in the case of the State of Maharashtra Vs. Shrimant Govindrao Narayanrao Ghorpade, 2009(4) Mh. L.J. P. 70, the guideline is given by Hon'ble Bombay High Court, bench at Aurangabad & held that if at all the sale deed are available from the same village then it is not necessary take into consideration the sale deeds of other village. Herein the present case it has seen that entire sale deeds filed by the claimants & the respondents are from the same village Sangvi (J). Further it is seen that the claimants have taken the resource from the various sale deeds to prove the prevailing valuation of the acquired lands. It is seen that since those sale deeds are the certified copies & the respondents have not objected to read it in evidence so they are exhibited. Further it is seen that no any party to those sale deeds is examined by the claimants to prove the actual transaction. But it is seen that under section 51A of the Land Acquisition Act such a certified copies can be read in evidence. Further more I find that the question of tenability of those sale deed is not in issue in the present case. Only to seen that what was the rate of land in those sale deed & the nature of the land & its area. So I find the sale deeds are to be read for the bilateral purpose, so it does not require the strict proof to prove the sale deeds. So I find that the sale deeds adduced by both the parties are liable to be consider in the present case.

828/6
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14] As the sale instances considered by the L.A.O., filed by the claimant, & filed on behalf of the State, as perused, it reveals as follows-

Sr. NO	Land S. No.	Area	Date of transaction	Consideration amount	Rate given per R.10% increase
1	45/C	84 R	03/04/1998	47,000/-	640/-
2	78/B	41 R.	06/04/1998	25,000/-	730/-
3	34	40 R.	22/04/1998	25,000/-	750/-
4	27	82 R.	22/04/1998	46,000/-	672/-
5	98/A	41 R,	23/04/1998	25,000/-	737/-
6	48/B	53 R.	24/04/1998	30,000/-	679/-
7	41/A	83 R.	29/04/1998	50,000/-	724/-
8	94/B	56 R.	23/03/1999	37,000/-	726/-
9	72/B	1 H., 2 R.	09/04/1999	61,000/-	659/-
10	63/B	69 R.	09/04/1999	61,000/-	972/-
11	63/B	31 R	02/05/2000	30,000/-	467/-
12	79	1 H., 6 R.	06/06/2000	1,00,000/-	943/-
13	57/A	30 R.	14/02/2001	60,000/-	599/-
14	27/B	46 R.	14/02/2001	70,000/-	1369/-
15	98/A	30 R.	31/03/2001	29,500/-	885/-
16	106	2 R.	11/05/1999	9000/-	4500/-
17	5/A	1 H., 10 R	23/02/1998	75,000	818/-
18	33/A-1	2 H., 2 R.	24/04/1998	1,25,000/-	742/-
19	72/B	1 H. 2 R.	09/04/1999	61,000/-	657/-
20	72/B	1 H., 21 R.	29/04/1999	75,000/-	680/-

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It is seen from the above all the sale instances referred by L.A.O., Claimants, Respondents, the highest price from the sale deed is Rs.4500/- per R. As discussed above the said sale deed cannot be the

base to determine the market rate of the acquired land. Therefore that sale deed is discarded as a evidence. Further it is seen that the date of notification is 14/09/2000. So the market value of the acquired land is be determined of the year 2000. It is seen that we have the 2 sale deeds of the year 2000, it shows the rates as Rs. 467/-, 943/- P.R.. Out of those sale deeds I find the highest rate is Rs. 943/- P.R. But again I find that there are some sale deeds of the same village of the year 2001 which show more market rate. We have the three sale deeds of the year 2001, which shows the rate of market price of Rs. 666/-, 1521/-, 983/-. Out of which the highest rate is of Rs. 1521/- Per R. It is seen that we have to consider the market rate of the year 2000. So as per the ratio laid down by Hon. Apex Court, if the 10% decrease is carrid out then it shows the rate as 1369/- P.R. So I find it is the highest rate which has been seen from the sale deeds on record & also found that the said sale deed is the reliable evidence to find out the exact market price of the acquired lands. Hence I answered the market price of the acquired land of the year 2000 as Rs. 1400/- P.R. So the sale deed shows highest rate & also from the same village, locality, vicinity of the acquired land. So it would be appropriate & suitable to hold the market value of the acquired land is @ Rs. 1400/- P.R.

28/6
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15] It reveals from the copy of award that the lands are acquired prior to the date of the notification under section 4, as per the guidelines given by Hon'ble Bombay High Court, in State of Maharashtra Vs. Valu Yashu Suryawanshi 2008 L. A.C. 250 Bom., the claimants are entitles for the other benefits laid down in section 23 (1A) of the act since from the notification under section 4 of the Act. Also I find that in some references the claimants have asked for the compensation of the fruit bearing trees, but it is seen that the award passed by the L.A.O. has not considered it. Also in the present references no evidence either oral or documentary is adduced by the claimant. Therefore the compensation regarding fruit bearing trees is also not considered in this Judgment. Hence I answered issue no.3 accordingly.

16] By considering the pleadings of claimants & the respondents, evidence led on record, submissions of learned counsel for claimants & learned A.G.P., in the conclusion I hold that the references are deserved to be partly allowed. Hence I proceed to pass following order -

ORDER

1] The land references bearing no. 45/2005, 47/2005, 48/2005, 50/2005, 52/2005 are hereby partly allowed.

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- 2] The respondents shall pay the enhanced compensation amount @ Rs. 1400/- (One Thousand four Hundred Rupees only) per R. to the claimant, Laxman Narsingrao Sartape, from L.A.R. No. 45/2005 for the acquired land bearing S. no. 72, ad measuring 22 R., situated at village Sangvi (J), Tal. Nilanga, Dist. Latur, after deducting the amount withdrawn by the claimant.
- 3] The respondents shall pay the enhanced compensation amount @ Rs. 1400/- (One Thousand Four Hundred Rupees only) per R. to the claimant, Shrihari Venkat Sartape (dead), his legal heirs, Prabhavati Shrihari Sartape & others, from L.A.R. No. 47/2005 for the acquired land bearing S. no. 96/2, ad measuring 04 R., situated at village Sangvi (J), Tal. Nilanga, Dist. Latur, after deducting the amount withdrawn by the claimant.
- 4] The respondents shall pay the enhanced compensation amount @ Rs. 1400/- (One thousand four Hundred Rupees only) per R. to the claimant, Deelip Babu Sartape, from L.A.R. No. 48/2005 for the acquired land bearing S. no. 97/1, ad measuring 36 R., situated at village Sangvi (J), Tal. Nilanga, Dist. Latur after deducting the amount withdrawn by the claimant.

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5] The respondents shall pay the enhanced compensation amount @ Rs. 1400/- One Thousand four Hundred Rupees only) per R. to the claimant, Manik Shamrao Sartape, from L.A.R. No. 50/2005 for the acquired land bearing S. no. 96/1, ad measuring 05 R., situated at village Sangvi (J), Tal. Nilanga, Dist. Latur, after deducting the amount withdrawn by the claimant.

6] The respondents shall pay the enhanced compensation amount @ Rs. 1400/- One Thousand four Hundred Rupees only) per R. to the claimant, Sitaram Dajiba Sartape, from L.A.R. No. 52/2005 for the acquired land bearing S. no. 74, ad measuring 11 R., situated at village Sangvi (J), Tal. Nilanga, Dist. Latur, after deducting the amount withdrawn by the claimant.

7] The respondents shall pay the additional benefit on the enhanced compensation amount under section 23(1A) of L. A. Act, @ 12% per annum since from the date of notification (14/09/2000) under section 4 of the Act till the date of passing of award by the L.A.O. (24/01/2002).

8] The respondents shall pay the solatium as per section 23(2) of the Act @ 30% per annum to the claimants.

728/6
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9] The respondents shall pay interest @ 9% upon the enhanced compensation amount under section 28 of the Act since the date of notification (14/09/2000) under section 4 of the Act by L.A.O. for one year & thereafter @ 15% per annum till the realization of full amount to the claimants.

10] The amount withdrawn by the claimant under protest be deducted.

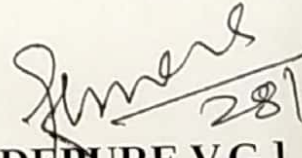
11] The claimants to pay additional court fees if required.

12] This original Judgment be kept in L.A.R. N. 45/2005 & the true copies of this Judgment be kept in L.A.R. No. 47/2005, 48/2005, 50/2005, 52/2005.

13] Decree be drawn accordingly.

NILANGA

DATE- 28/06/2013


28/6/13
[GODEPURE V.G.]
Jt. CIVIL JUDGE(S.D.)
NILANGA.