

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

FIRST APPEAL NO. 262 OF 2003

The State of Maharashtra.

... Appellant

VERSUS

Tukaram Vithoba Suryawanshi

... Respondent

.....
Mr S. G. Sangle, AGP for appellant/State
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **3RD SEPTEMBER, 2015.**

PER COURT:

. The present respondent had filed the reference u/s 18 of the Land Acquisition Act, being aggrieved by inadequate compensation granted to him by Special Land Acquisition Officer. The said reference is partly allowed. Aggrieved thereby, the State has filed the present appeal.

2. Mr S. G. Sangle, learned AGP for the appellant/State submits that, while computing the valuation of the house property which is acquired, the reference Court relied upon the valuation report of private valuer. The said report could not have been relied upon as *ex facie*, the DSR rates of 1994-95 have been applied whereas; the notification u/s 4 was issued on 30/7/1992. The DSR rates of 1991-92 ought to have been applied. As such, exorbitant compensation has been awarded. Learned AGP further submits that, in fact, on 25/11/1995,

when he had visited the spot, the land was submerged in water and as such no physical inspection has been made. This aspect has also been not considered.

3. I have considered the submissions. The enhancement is Rs. 20,000/-. The house property of the claimant has been acquired. The Special Land Acquisition Officer had awarded Rs. 26,000/- for the house property of 22 sq.mtrs. i.e. acquired. The said enhancement is based upon the report of the valuer. Even assuming that the DSR rates of 1992-93 were applied, the same was just two years after the acquisition. There is nothing on record to show that the said enhancement is exorbitant one. The valuation report Exh. 19 gives the details of measurement done and the age of the structure etc.

4. The Court has also observed that there is no record to show that the said house was submerged in the water on 25/11/1995 except the bare suggestion.

5. Considering the above, the appeal is dismissed with no order as to costs.

[S. V. GANGAPURWALA, J.]

sgp