

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

**CIVIL APPLICATION NO. 4554 OF 2015
IN
FIRST APPEAL (ST.) NO. 453 OF 2015**

Ajay Janardhan Jawale. ...Applicant

versus

The State of Maharashtra & ors. ...Respondents

**WITH
CIVIL APPLICATION NO. 4555 OF 2015
IN
FIRST APPEAL (ST.) NO. 451 OF 2015**

Sudharshan Subhash Ingale. ...Applicant

versus

The State of Maharashtra & ors. ...Respondents

.....
Mr. R. V. Naiknavare, Advocate for applicants.
Mr. D. R. Korde, A. G. P. for respondent/State.
.....

CORAM : N.W. SAMBRE, J.

DATE : 18TH APRIL, 2015

ORAL ORDER :

For the reasons stated in the civil applications, delay caused in preferring the first appeals stand condoned. The civil applications are allowed.

2. Both the first appeals are taken up for final disposal at admission stage with the consent of the parties.

3. The appellants-land owners have questioned the legality and validity of the award delivered by the Reference Court on 10/09/2013. The appellants claimed that the land in question having N.A. potentiality came to be acquired for construction of irrigation project. He would urge that the Reference Court while dealing with the claim has relied upon Exhibit-21 sale deed of land in question and awarded Rs.27/- .per sq. ft. According to him, the appellants are entitled to Rs.40/- per sq. ft.,

4. It is not in dispute that in the present case, notification under Section 4 of the Land Acquisition Act came to be issued on 22/07/2004 and sale deed dated 11/01/2000 which is relied upon by the present appellants is at Exhibit-21. The Reference Court has taken into account the total consideration of Rs.60,000/- i.e. @ Rs. 222 per sq. mtr., paid for area admg. 270 sq.mtrs for purchase of plot by claimant Sudarshan and noticed that per sq. ft., rate could be worked out @ Rs.22/-. The location of the property, near S.T. Stand, high school, hospital etc., is also taken into account.

5. Having regard to non agriculture potential and other sale

deeds of N.A. plots in the form of evidence, pertaining to adjoining area awarded compensation of Rs.27/- per sq.ft. The award of enhanced compensation is based on the rates at which sale deed Exhibit-21 was executed four years back.

6. In my opinion, the Reference Court has rightly taken into account non agriculture potential of the property in question, so also assessment extract of acquired property at Exhibits-17 and 19 and tax receipts at Exhibits-18 and 20.

7. As such, no case for interference is made out. The first appeals lack merit, stand dismissed.

[N.W. SAMBRE, J.]