

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

FIRST APPEAL STAMP NO. 899 OF 2011

The State of Maharashtra	..	Appellant
Versus		
Bapurao @ Piraji Balwantrao Shelke	..	Respondent

Shri D. V. Tele, A.G.P. for the Appellant/State.
Mrs. P. G. Sontakke, Advocate for the Respondent.

WITH
FIRST APPEAL STAMP NO. 903 OF 2011
FIRST APPEAL STAMP NO. 914 OF 2011
FIRST APPEAL STAMP NO. 911 OF 2011
FIRST APPEAL STAMP NO. 858 OF 2011
FIRST APPEAL STAMP NO. 908 OF 2011

CORAM : S. V. GANGAPURWALA, J.
DATE : 09TH OCTOBER, 2015.

PER COURT :

. The learned Assistant Government Pleader submits that, while enhancing the compensation amount, the Reference Court relied on Exhibit 21 and 22. The sale deeds are in respect of village Shirur Tajband and the acquired lands are from village Talegaon. The village Shirur Tajband is a bigger village. According to the learned A. G. P. the said sale deeds cannot be said to be in respect of similarly situated lands. According to the learned A. G. P. Special Land Acquisition Officer has considered all the relevant aspects of the matter while awarding

compensation amount.

2. Mrs. Sontakke, the learned counsel for the respondents/claimants submits that, Reference Court has not awarded compensation amount as per the consideration of the sale deeds. It has deducted the amount from the sale consideration while computing the market value of the lands acquired. In fact, the amount awarded is on lower side.

3. I have considered the submissions canvassed by the learned counsel for the respective parties.

4. The sale deed Exhibit 21 and Exhibit 22 are both prior to the notification U/Sec. 4 of the L. A. Act. It has been observed that, the lands under the sale deed are from village Shirur Tajband. The same is in the vicinity of the acquired lands. Vide Exhibit 22, 20R land is sold for consideration of Rs. 20,000/- i. e. at the rate of Rs. 1,000/- per R. Vide Exhibit 21, 40R land is sold for consideration of Rs. 32,000/- i. e. at the rate of Rs. 800/- per R. The sale deeds are prior to the notification U/Sec. 4 of the L. A. Act. However, the Reference Court has deducted the amount while computing the market value and awarded compensation at the rate of Rs. 600/- per R. i. e. Rs. 24,000/- per Acre. The Reference Court only after considering the distance between the lands under the sale deeds and the acquired lands i. e. distance

of about one and half kilometer, so also considering the quality and fertility of both the lands to be similar has awarded compensation amount.

5. In the light of that that, the first appeal stands dismissed.
No costs.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15