

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

FIRST APPEAL STAMP NO. 896 OF 2015

The State of Maharashtra and another .. Appellants

Versus

Dilip Vinayakrao Kulkarni .. Respondent

Shri P. N. Kutti, A.G.P. for Appellants/State.

CORAM : S. V. GANGAPURWALA, J.

DATE : 23RD OCTOBER, 2015.

PER COURT :

. I have heard the learned Assistant Government Pleader who submits that, Reference Court has granted exorbitant compensation amount without considering that there is absolutely no evidence of comparable sale instance. The sale instance relied is in respect of the sale after notification under Section 4 of the Land Acquisition Act.

2. I have considered the judgment. The Court has considered the sale instance dated 05.08.1989 of village Murum which was for Rs. 1,15,000/-. The per hectare valuation is Rs. 50,218/-. The sale instance was also before the Land Acquisition Officer. The Land Acquisition Officer has not considered said sale instance only on the ground it was of the higher amount. The same could

certainly have been considered as the sale instance is from the same village. The Court has held the market value to be Rs. 550/- per R. The total compensation amount is also not much it is Rs. 24,900/-.

3. In light of that, first appeal is dismissed. No costs.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15