

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

FIRST APPEAL NO. 893 OF 2002

Tukaram Munjaji Khillare and Others .. Appellants

Versus

State of Maharashtra and Another .. Respondents

Shri S. C. Bora, Advocate for Appellants.

Shri S. M. Jadhav, A. G. P. for Respondent Nos. 1 and 2.

CORAM : S. V. GANGAPURWALA, J.

DATE : 20TH AUGUST, 2015.

PER COURT :

1. Mr. Bora, the learned counsel for appellants submits that, the Reference Court failed to consider the sale deed produced on record. Even if, the sale deed was post notification under Section 4, of the Land Acquisition Act. The sale deed could have been considered with some deductions. However, the said sale deed is absolutely ignored by the Reference Court. The S. L. A. O. had awarded paltry compensation at the rate of Rs.3,000/- per acre. According to the learned counsel, the Reference Court has failed to consider the evidence in its correct perspective. The learned counsel further submits that, appellants had proved that, the value of the land at the relevant time was Rs.20,000/- per acre.

2. The learned A. G. P. supports the judgment and submits that, no evidence was produced to show that, the price of the land was more than Rs.3,000/- per acre.

3. I have considered the submissions and gone through the judgment.

4. The appellants had not even produced the copy of the award before the Reference Court. The appellants had received notice under Section 12(2) of the Land Acquisition Act and the compensation amount in the year, 1988. The sale deed relied is of the year, 1996. Certainly the sale deed is more than 8 years after the award is passed. The same certainly could not have been considered. The Reference Court has considered that, the claimants witness has admitted that, at the time when the land was acquired it was dry land. There was no market at Shingnapur and the market value of the adjoining land was very low.

5. Considering the fact that, there was no other evidence on record and the sale deed of the year, 1996 could not have been considered. No interference is called for in the judgment of the Reference Court. First Appeal is dismissed. No costs.

[S. V. GANGAPURWALA, J.]

sam/Aug. 15