

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

**CIVIL APPLICATION NO. 2510 OF 2015
WITH
CIVIL APPLICATION NO. 2511 OF 2015
IN/WITH
FIRST APPEAL (ST.) NO. 905 OF 2015**

The State of Maharashtra & anr. ...Applicants

versus

Manohar s/o Bali Kalal
Died through his L.Rs.
Smt. Vithabai w/o Manohar Kalal & ors. ...Respondents

.....
Mr. P. P. More, A.G.P. for applicant/appellants.
Mr. S. N. Patne, Advocate for respondents.
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CORAM : N.W. SAMBRE, J.

DATE : 12th AUGUST, 2015

ORAL ORDER :

Heard.

2. In view of no objection, delay caused in preferring first appeal stands condoned. Civil Application for condonation of delay is allowed.

3. With consent of the learned Counsel, matter is taken up for final disposal at admission stage.

4. Pursuant to notification under Section 4 of the Land Acquisition Act (hereinafter referred to as "The Act") issued on 08/09/1988, the Land Acquisition Officer has awarded compensation @ Rs. 15,000/- per Hector, which was enhanced to Rs. 48046/- per Hector in reference under Section 18 of the Act, which is questioned in the present appeal.

5. Learned A. G. P. would urge that the sale instance, which is relied upon is in relation to the land which is not located in the same vicinity. According to him, in view thereof, reliance placed on the said sale deed was completely out of place and appeal is liable to be allowed.

6. The perusal of the observations made by the Reference Court reflects that the Reference Court was alive to the fact that the sale deed of Survey No. 79 area 1 Hector 20 Are was executed on 29/02/1988 for consideration of Rs. 32031/- per Hector. Gut No. 48/1 owned by the claimant was then by guess work inferred to be located in the same vicinity and as such, price of the land out of Survey No. 79 was found to be a basis for determining the compensation.

7. In my opinion, the guess work, as is adopted by the Reference Court is reasonable and acceptable to certain extent and it can not be inferred upon perusal of the judgment of the Reference Court that the guess work was without any basis. In my opinion, the guess work appears to be reasonable one, as compensation enhanced is not exorbitant or unreasonable.

8. As such, the appeal lacks merit, fails , same stands dismissed. Consequently, Civil Application for stay stands disposed of.

[N.W. SAMBRE, J.]