

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

**FIRST APPEAL NO. 438 OF 2003
WITH
CIVIL APPLICATION NO. 3752 OF 1996**

The State of Maharashtra

... Appellant

VERSUS

Bhagwat Namdeo Kandewad

... Respondents

.....
Mr D. V. Tele, AGP for Appellant/State
.....

**ALONG WITH
FIRST APPEAL NO. 439 OF 2003
WITH
CIVIL APPLICATION NO. 3750 OF 1996**

**FIRST APPEAL NO. 440 OF 2003
WITH
CIVIL APPLICATION NO. 3749 OF 1996**

CORAM : S. V. GANGAPURWALA, J.
DATE : 3RD SEPTEMBER, 2015.

PER COURT:

. The respondents have filed reference u/s 18 of the Land Acquisition Act, being aggrieved by the inadequate compensation awarded by the Special Land Acquisition Officer. The said reference is partly allowed. Aggrieved thereby, the State has filed these appeals.

2. Mr Tele, learned AGP submits that, the Special Land Acquisition Officer after considering all the relevant aspects has awarded the compensation amount. The notification u/s 4 is issued on 25/2/1988. The Special Land Acquisition Officer had awarded compensation amount of Rs. 175/- per guntha and the reference Court has awarded compensation amount for Jirayat land @ Rs. 450/- per guntha and for Bagayat land @ Rs. 550/- per guntha. The learned AGP submits that, the sole basis for enhancing the amount of compensation is the sale deed Exh. 22 dt. 25/4/1984, by virtue of which, 40 R land is sold for consideration of Rs. 35,000/-. He submits that, there is no evidence to show that the land under the sale deed and the lands acquired are similarly situated. He submits that, the order passed by the reference Court is *per se* erroneous.

3. I have considered the submissions. The reference Court while enhancing the compensation amount has considered the sale deed Exh. 22. The land under sale deed Exh. 22 is of adjacent locality. The said sale deed appears to be of a Bagayat land. For Jirayat the compensation is awarded at the rate of Rs. 18,000/- per acre i.e. Rs. 45,000/- per hectare, is reasonable and modest. As normally for Jirayat land, the valuation is half of the Bagayat land. Here in the

present case, the reference Court has awarded compensation even at a rate less than the consideration at which the land was sold.

4. Considering the above, there is no merit in the appeals. Appeals stand dismissed with no order as to costs.

5. In view of disposal of main appeals, connected civil applications for stay no more survive and same stand disposed of.

[S. V. GANGAPURWALA, J.]

sgp