

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
FIRST APPEAL NO.126 OF 2001

Panjarapol Gorakshan Sanstha,
Ahmednagar through its Hon.
Secretary Hastimol Chandmol ..Appellant
Munot, age 60 years, r/o.
Ahmednagar

V E R S U S

State of Maharashtra ..Respondent

Mr.S.S.Bora, advocate for appellant
Mr.S.P.Dound, APP for respondent - State

CORAM : M.T. JOSHI, J.
DATE : JANUARY 27, 2015

ORAL JUDGMENT :

Heard both sides.

2] Being aggrieved by the direction to pay lesser compensation than claimed in the land acquisition reference proceedings, original claimant has preferred present appeal.

3] The land of the present appellant of village Pimpla, Taluka Ashti, District Beed was acquired by the State for construction of percolation tank. The notification under Section 4 of the Land Acquisition Act was issued on 4th October, 1990.

4] Along with present land in question, some other lands were acquired. The Land Acquisition Officer offered price at the rate of Rs.80/- to 90/- per Are, depending on the quality of the land. Present appellant, therefore, filed reference application. Learned Addl. District Judge, Beed, estimated the price of the land at Rs.355/- per Are for the irrigated land and Rs.230/- per Are for the dry-crop land. Aggrieved by said award, present appeal is preferred.

5] Mr.Bora, learned counsel for the appellant, submits that the sale instance Exhibit 23 clearly

proved that the claim of the appellant was reasonable. It was proved that the land under the said sale instance was comparable to the acquired land.

6] On the other hand, learned A.G.P. submits that learned Addl. District Judge ought not have granted any enhancement as the sale instance relied by the claimant was from different village i.e. Nandur and the award of the Land Acquisition Officer would show that at least, five sale instances from the same village Pimpla were available.

7] On the basis of this material, following point arises for my determination:-

Whether, learned Addl. District Judge has granted lesser compensation than the market price ?

. My finding to the above point is negative and the appeal is, therefore, dismissed for the reasons to follow.

R E A S O N S

8] The award of the Land Acquisition Officer would show that five sale instances of village Pimpla were available. The appellant, however, relied on only one sale instance i.e. Exhibit 20 of village Nandur. It would show that 40 Are of irrigated land of village Nandur, Taluka Ashti, was sold on 23rd March, 1988, for a consideration of Rs.40,000/- i.e. Rs.1,000/- per Are. Learned Addl. District Judge deducted 25% of the amount on account of the fact that the land sold was only 40 Are; 10% of the amount was deducted on account of the location, which is near village site; and 35% amount was deducted on account of the situation of the land at another village. Thus, after

deduction, the compensation was awarded, as detailed supra.

9] When comparable sale instances were available of same village, present appellant preferred to rely over the sale instance at Exhibit 20, which was, admittedly of another village and the land sold was adjoining the village abadi. It was fully irrigated land. In that view of the matter, no defect can be found with the reasons given by learned Addl. District Judge.

10] The appeal is, therefore, dismissed without any order as to costs.

[M.T. JOSHI, J.]