

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...
 922 FIRST APPEAL NO. 3072 OF 2013
 WITH FA/3069/2013 WITH FA/3070/2013

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DEPT. ZP,
 AHMEDNAGAR

VERSUS

THE STATE OF MAH AND ANR

...

Advocate for Appellants : Mr. Shelke Shivaji T.

AGP for Respondent No.1: Mr. S. P. Sonpawale

Advocate for Respondent No.2 : Mr. A B Kale

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CORAM : S. V. GANGAPURWALA, J.**DATE : 16th October, 2015****PER COURT :**

1. Learned counsel for the appellants submits that the Reference Court has awarded exorbitant compensation amount. The sale instances relied are not in respect of comparable lands. The lands under the sale deed and the lands acquired are not similarly situated. According to the learned counsel, market value has not been properly assessed by the Reference Court. The Special Land Acquisition Officer, after considering all the relevant aspects of the matter, has awarded reasonable amount of compensation.

2. Learned AGP supports the arguments of learned counsel for the appellants.

3. Mr. Kale, the learned counsel for the claimants submits that the appeals filed by the State against the

same award has been dismissed by this Court. The Reference court has considered Exh. 29 i.e. the sale deed. The same is also proved by the purchaser of the land under the sale deed, wherein 20 R land was sold for Rs.20,000/-. However, consideration of Rs.13,000/- only was shown. Another sale deed Exh. 27 is in respect of 4 hectares 88 land which is sold for Rs.2,24,000/-. The said sale deed is two years preceding the notification under section 4 of Land Acquisition Act.

4. I have considered the judgment delivered by the Reference Court.

5. This court, has already dismissed the appeals filed against the same judgment and award delivered by the Reference Court. It was decided by common judgment, thereby holding that market value of the land has been rightly held as Rs.27,600/- per hectare.

6. The reference court has considered the sale deeds which are prior to the notification under section 4 of the Act in respect on the area in the same vicinity and has rightly awarded the compensation. In the light of that first appeals are dismissed. No costs.

(S. V. GANGAPURWALA, J.)

JPC