IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Civil Appellate Jurisdiction.

FIRST APPEAL NO. 1125 OF 2003.
with
FIRST APPEAL NO. 1124 OF 2003.

THE SPL.LAND ACQUISITION OFFICER, JALGAON.
VERSUS
SHRAWAN SUPADU DHANGAR.

THE SPL.LAND ACQUISITION OFFICER, JALGAON.
VERSUS
FULSING KISAN PATIL.

Appearance =>

Mr. D.R. Korde, Additional Government Pleader for the State of Maharashtra.

CORAM : S.V. Gangapurwala, J.

DATE : 8th October, 2015.

Per Court :-

Being aggrieved by the compensation amount awarded by the Reference Court on 3rd May, 2002, the State has preferred present Appeals.

[2] The learned Additional Government Pleader submits that, the land of the Respondents situated at village Bhokarbari has been acquired vide Notification under Section 4 of the Land Acquisition Act dated 7th June, 1989. The learned Additional Government Pleader submits that, the Special Land Acquisition Officer has awarded compensation @ Rs.13,000/- per Acre. The reference Court has enhanced the compensation amount to Rs.28900/- per Acre.

The learned Additional Government Pleader submits that sale instance relied is of adjoining village and not of the same village. According to the learned Additional Government Pleader though sale instance was considered, it is not established that the land under the sale instance is similarly situated as that of the acquired land. The Reference Court has not discussed the evidence in this regard. He submits that, the reference Court has awarded exorbitant compensation amount.

[3] I have gone through the Judgment, Record & Proceedings. The land of the claimants was acquired vide Notification under Section 4 of "the Act" dated 7th June, 1989. Sale instance is prior to the Notification under Section 4 of "the Act". The sale instance relied by the Reference Court was also considered by the Special Land Acquisition Officer in the Award however, has not awarded the rate as laid down in the said sale instance. The Reference Court has considered the land as jirayat land and awarded the compensation. It has disbelieved the claim of the claimants that land is bagayat land.

[4] After considering the said sale instance, the Reference Court has considered the market value @ RS.289/- per Are. The reference court has given reasons for the same. The potentiality of the land was also considered. The Reference Court has arrived at plausible conclusion while fixing the market value @ Rs.289/- per Are. No error has been committed by the Reference Court, in this regard. In view of that, First Appeals are dismissed. No costs.

(S.V. GANPURWALA, J.)