

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

**FIRST APPEAL NO. 482 OF 2003
WITH
CIVIL APPLICATION NO. 3757 OF 1996**

The State of Maharashtra

... Appellant

VERSUS

Kakasaheb s/o Prabhakar Kale

... Respondent

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

**ALONG WITH
FIRST APPEAL NO. 487 OF 2003
WITH
CIVIL APPLICATION NO. 3759 OF 1996**

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

PER COURT:

. The award passed by the reference Court u/s 18 of the Land Acquisition Act is assailed by the State.

2. The ld. AGP submits that, the sale instance at Exh. 21 could not have been considered as a comparable sale instance. According to him, the SLAO had granted the amount of consideration after evaluating all the circumstances. According to him, the reference Court has failed to consider the similarly situated lands and the lands acquired under Sale Deeds Exh. 21 and 22.

3. I have considered the submissions advanced by learned Counsel for respective parties.

4. The sale deeds Exh. 21 and 22 are almost five years prior to the notification under Section 4. The date of notification u/s 4 is dt. 25/2/1988 whereas; the sale deed is 22/6/1983. The said sale instance has been considered. Moreover, no compensation is awarded in respect of the well and the enhancement is paltry sum of Rs. 8,000/-. The reference Court has considered the location of the property and the sale instances and thereby rightly arrived at the conclusion.

5. In light of the above, First Appeals are dismissed. No costs.

6. In view of the disposal of main appeals, nothing survives for consideration in the connected civil applications for stay and same stand disposed of.

[S. V. GANGAPURWALA, J.]

sgp