

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

FIRST APPEAL NO. 107 OF 2003

The State of Maharashtra,
through the Collector, Osmanabad .. Appellant

Versus

Machinder S/o Tukaram Shinde,
Age : 55 Years, Occu. : Agril.,
R/o Pawarwadi, Post Warud,
Tq. Osmanabad. .. Respondent

Shri D. V. Tele, A.G.P. for Appellant/State.

Shri D. H. Jadhavar, Advocate for the Respondent.

CORAM : S. V. GANGAPURWALA, J.

DATE : 10TH SEPTEMBER, 2015.

ORAL JUDGMENT :-

. The learned Assistant Government Pleader submits that, the sale instance relied by the Reference Court is in respect of different village which is two miles away from the acquired land. The learned A. G. P. submits that, the same rate could not have been awarded by the Reference Court. The land is acquired for percolation tank. Even the reference was not within the limitation.

2. I have considered the submissions and also gone through the Record and Proceedings. In fact, 82R land of the claimant is

acquired. While considering the market value of the acquired land, the Court has considered the sale deed of adjoining village which is executed three years prior to the notification U/Sec. 4 of the L. A. Act. If the said sale deed is considered the market rate would come to Rs. 33,000/- per acre. However, the Reference Court has reduced the said valuation and awarded market rate at the rate of Rs. 26,000/- per acre for the acquired land. The said award is of the year 1993.

3. The Reference Court has considered relevant aspects of the matter and has arrived at plausible conclusion. The appellant/original respondent has not led any evidence to show that the sale transaction is not genuine one. Considering the above the first appeal is dismissed. No costs.

Sd/-

[S. V. GANGAPURWALA, J.]