

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

FIRST APPEAL NO. 1013 OF 2003

Tulshiram s/o Bhimrao Surnar,
Age : 67 years, Occu : Agril.,
R/o. Ujana, Tq. Ahmedpur, Dist. Latur.

...Appellant
(Orig. Claimant)

Versus

The State of Maharashtra,
Through Collector, Latur.

...Respondent
(Orig. Respondent)

WITH

FIRST APPEAL NO. 1014 OF 2003

Balaji s/o Tukaram Barwad,
Minor U/g of Kalawatibai W/o
Tukaram Barwad, Age : 52 years, Occu: Agril,
& H. H. R/o. Ujana, Tq. Ahmedpur,
Dist. Latur.

...Appellant
(Orig. Claimant)

Versus

The State of Maharashtra,
Through Collector, Latur.

...Respondent
(Orig. Respondent)

WITH

FIRST APPEAL NO. 1015 OF 2003

Devidas S/o Bhiwaji Patil,
Age : 32 years, Occu : Agril.,
R/o. Ujana, Tq. Ahmedpur,
Dist. Latur.

...Appellant
(Orig. Claimant)

Versus

The State of Maharashtra,
Through Collector, Latur.

...Respondent
(Orig. Respondent)

WITH

FIRST APPEAL NO. 1016 OF 2003

Goroba S/o Tolaba Paratwagh,
Age : 32 years, Occu: Agril.,
R/o. Ujana, Tq. Ahmedpur, Dist. Latur.

...Appellant
(Orig. Claimant)

Versus

The State of Maharashtra,
Through Collector, Latur.

...Respondent
(Orig. Respondent)

WITH

FIRST APPEAL NO. 1017 OF 2003

Vishvanath S/o Sharanppa Hallale,
Age : 62 years, Occu: Agril.,
R/o. Ujana, Tq. Ahmedpur,
Dist. Latur.

...Appellant
(Orig. Claimant)

Versus

The State of Maharashtra,
Through Collector, Latur.

...Respondent
(Orig. Respondent)

WITH

FIRST APPEAL NO. 1018 OF 2003

1. Nivarti S/o Manik Masaule
Age : 52 years, Occu: Agril.
2. Venkati S/o Manik Masule,
Age : 47 years, Occu: Agril.
3. Babu S/o Nivarti Masule,
Age : 42 years, Occu: Agril.
All R/o. : Ujana, Tq. Ahmedpur,
Dist. Latur.

...Appellants
(Orig. Claimant)

Versus

The State of Maharashtra,
Through Collector, Latur.

...Respondent
(Orig. Respondent)

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...

Shri R.K.Ashtekar,Advocate for appellants
Shri A.M.Phule,AGP for respondent

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CORAM : S.V.GANGAPURWALA,J.**DATED : 26TH OCTOBER, 2015****ORAL JUDGMENT :-**

The present appellants had filed reference u/s 18 of the Land Acquisition Act, being dissatisfied with the amount of compensation awarded by Land Acquisition Officer. The references are partly allowed. The claimants have filed the present appeals seeking further enhancement. Mr.Ashtekar, learned counsel for the appellant submits that the appellants had filed copy of the sale deed in respect of land situated at adjacent village Exh.26 wherein the said land was sold at rate of Rs.800/- per Aar. The learned counsel submits that the reference Court awarded compensation at the rate of Rs.240/- per Aar and Rs.350/- per Aar. The learned counsel submits that there is no impediment for the Court to award compensation at the rate of Rs.800/- per Aar i.e. the value at which the land under the sale deed was sold. According to the learned counsel, the reference Court has also not considered the topography of the land situated so also the fertility of the soil and the potentiality of the land. The reference Court has not scanned the evidence on record in correct perspective.

2] The learned AGP supports the order.

3] With the assistance of learned counsel, I have gone through judgment and record and proceedings. All these references have

been decided by common judgment and the claimants had also led common evidence, at Exh.26 is relied in all matters. The notification u/s 4 is dated 28/6/1990. The sale deed of pre notification date would be relevant for assessing the market value. The sale deed Exh.26 is dated 27/7/1998 that too of another village. The said sale deed is eight years post notification u/s 4 of the Land Acquisition Act. 20 Aar land sold vide said sale deed is according to the Government rates and is of another village. Said sale deed cannot even be remotely considered for assessing market value of the acquired land. The SLAO after categorising the land had awarded compensation at the rate of Rs.120/- per Aar and Rs.160/- per Aar. The reference court enhanced the compensation to twice the amount awarded by SLAO i.e. to Rs.240/- per Aar and Rs.320/- per Aar.

4] Considering that there is no evidence on record, I do not think the appellants are entitled for further enhancement of compensation. First Appeals as such are dismissed, however with no order as to costs.

[S.V.GANGAPURWALA,J.]

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