

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

...
927 FIRST APPEAL NO. 469 OF 2003

THE STATE OF MAHARASHTRA.
VERSUS
BHAGWAT LIMBAJI KALE & ANOTHER.

...
Advocate for Appellant : Mr. D. V. Tele, AGP.
Advocate for Respondents : Mr. S. B. Bhapkar
...

CORAM : S. V. GANGAPURWALA, J.

DATE : 22nd September, 2015

PER COURT :

1. Heard Mr. Tele, the learned AGP for the respondent State.
2. The Reference Court has decided various references by common judgment under section 18 of the Land Acquisition Act and awarded compensation amount. The State has filed the present appeal.
3. The Special Land Acquisition Officer has awarded compensation amount @ Rs.90/- per R. The Reference Court enhanced to Rs.480/- per R. Mr. Tele, the learned AGP submits that the said enhancement is without evidence in respect of market value on record. The sale instance Exhibit 13 could not have been relied as

the same is purchased for industrial purpose and the said land was abutting the highway. Exhibit 12 also could not have been considered wherein the said sale is at Rs.18,000/- per acre.

4. Learned counsel for the claimants submits that the appeal filed by the State in respect of other references, decided by the common judgment, has been dismissed. Delay has also not been condoned.

5. I have considered the judgment.

6. The Court has relied on the sale instance Exhibit 12 while awarding the compensation amount. The Court has considered that the land under the sale instance Exhibit 12 and acquired land can be said to be exemplar to each other.

7. Even otherwise, the appeal filed by the State against the same judgment and award in respect of other References has already been dismissed as the application for condonation of delay itself is rejected vide order dated 13th August, 2007 in Civil Application No. 179 of 1997 in First Appeal (Stamp) No.27988 of

1995.

8. Considering the above, the first appeal is dismissed. No costs.

(S. V. GANGAPURWALA, J.)

JPC