

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

First Appeal No.553 of 2003

* The State of Maharashtra
Through Collector, Latur. **.. Appellant.**

Versus

- 1) Vishwanath s/o Gangaram Devkate
Age 36 years, Occupation : Agriculture,
R/o Rui, Taluka Ahmedpur.
- 2) Narayan s/o Gangaram Devkate,
Age 30 years, Occupation Agriculture
R/o Rui, Taluka Ahmedpur. **.. Respondents.**

Shri. D.V. Tele, Assistant Govt. Pleader, for appellant.

CORAM: T.V. NALAWADE, J.

DATE : 4th DECEMBER 2015

JUDGMENT:

1) The appeal is filed against the judgment and award of Land Acquisition Reference No.78 of 1991 which was pending in the Court of the Civil Judge, Senior Division, Latur. Compensation in respect of land acquired by the present appellant for irrigation project is increased by the Reference Court. Heard learned Assistant Government Pleader.

2) The land of the respondents was having Survey No.95/20 and portion admeasuring 16 R is acquired for public purpose. The Land Acquisition Officer had fixed the market value as Rs.7200/- per acre and the Reference Court has held that the market price was Rs.15,000/- per acre. Notification under section 4 of the Land Acquisition Act was issued on 7-5-1986 and the evidence of sale instance dated 9-8-1985 was given by the claimant. It was in respect 1 acre 20 guntha land and it was sold for Rs.30,000/-. Thus, the value was Rs.20,000/- per acre. The Reference Court granted compensation at the rate of Rs.15,000/- per acre. As some admissions are given that at the relevant time the lands were sold for the price of Rs.12,000/- to Rs.15,000/- per acre and the sale instances are of different village, relevant factors are considered by the Reference Court. Enhancement is not unreasonable and there is nothing in rebuttal. Witnesses were examined to prove the sale instances. There is no possibility to interfere in the decision of the Reference Court. In the result, the appeal stands dismissed.

Sd/-
(T.V. NALAWADE, J.)

rs1