

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

FIRST APPEAL NO. 2575 OF 2015

The State of Maharashtra and another .. Appellants

Versus

Krushna Limba Sagar .. Respondent

**WITH
FIRST APPEAL NO. 2574 OF 2015**

The State of Maharashtra and another .. Appellants

Versus

Venkat Sonappa Sagar .. Respondent

**WITH
FIRST APPEAL NO. 2576 OF 2015**

The State of Maharashtra and another .. Appellants

Versus

Manohar Sonappa Sagar .. Respondent

**WITH
FIRST APPEAL NO. 2577 OF 2015**

The State of Maharashtra and another .. Appellants

Versus

Dnyanoba Hiraba Sagar .. Respondent
Shri S. M. Jadhav, A.G.P.for the Appellants/State in all matters.

Shri Manoj U. Shelke, Advocate for Respondent in all matters.

CORAM : S. V. GANGAPURWALA, J.

DATE : 06TH OCTOBER, 2015.

PER COURT :

. The present respondents/claimants being dissatisfied with the amount of compensation awarded by the Special Land Acquisition Officer (for short "S.L.A.O.") filed references U/Sec. 18 of the Land Acquisition Act (for short "L. A. Act"). The said references are partly allowed. Aggrieved thereby the, State has filed present appeals.

2. The learned Assistant Government Pleader submits that, the S. L.A.O. after considering various sale transactions, so also other relevant aspects such as the land revenue and the location of property had awarded compensation at the rate of Rs. 27,000/- to Rs. 31,000/- per hector. The Reference Court has exorbitantly enhanced the compensation amount to Rs. 49,775/- per acre. The learned A. G. P. states that, while awarding the said compensation amount Exhibit 36 has been relied, wherein 51R land is sold for Rs. 77,000/-. According to the learned A. G. P. the said sale instance cannot be said to be in respect of similarly situated land. The Reference Court has awarded exorbitant compensation amount.

3. Mr. Shelke, the learned counsel for respondents/claimants submits that, in fact the Reference Court has awarded

compensation at a lower rate. The sale transaction Exhibit 36 is dated 28.03.1994. The notification U/Sec. 4 of the L. A. Act is issued on 23.02.1995. The said sale transaction is in respect of 51R land. The same is relied, still 25% amount is deducted from the said sale consideration without any rational basis.

4. I have considered the submissions. The notification U/Sec. 4 is dated 23.02.1995. The sale instance relied is prior to the notification U/Sec. 4 of the L. A. Act. The sale instance is dated 28.03.1994. It is in respect of land situated in the same village, as that of the acquired lands. The Reference Court has discussed about the topography of the land. In the adjoining areas and in the vicinity of the said village I.T.I. College, Engineering College, Polytechnic College are situated at the distance of one and half K.M. Even 25% amount is deducted from the sale consideration of sale deed Exhibit 36 while computing the market value of the acquired land. The Reference Court has also not awarded separate compensation for well, cattle shed, fruit bearing trees, etc. The sale instance relied can be said to be an exemplar sale deed.

5. Considering the above, the judgment needs no interference. The first appeals are dismissed. No costs.

[S. V. GANGAPURWALA, J.]