

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

FIRST APPEAL NO. 400 OF 2003

The State of Maharashtra

... Appellant

VERSUS

Dagadu Tulshiram Karhale

... Respondent

.....
Mr D. V. Tele, AGP for appellant/State
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **3RD SEPTEMBER, 2015.**

PER COURT:

1. Mr D. V. Tele, learned AGP submits that the reference Court while allowing the reference u/s 18 of the Land Acquisition Act filed by the present respondent, has awarded exorbitant compensation amount. The sale deed Exh. 15 should not have been considered as a comparable sale instance for awarding compensation @ Rs. 15,000/- per hectare. According to the learned AGP, the said sale deed is in respect of land of another village Siddhatek.

2. I have considered the judgment and record and proceedings.

3. It has come on record that, part of the said land has been acquired by the Government for Ujani Dam Project and that land of Dudhodi and land of Siddhatek are of similar quality. The enhanced compensation is Rs. 4,800/-. Only 24 R land is acquired. It cannot be

said that without any evidence the reference Court has enhanced amount of compensation. The enhancement is also a paltry sum of Rs. 4,800/-.

4. Considering the above, First Appeal is dismissed with no order as to costs.

[S. V. GANGAPURWALA, J.]

sgp