

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

FIRST APPEAL (STAMP)NO.6213/2014.

**THE STATE OF MAHARASHTRA & ORS.
VERSUS
ANNARAO MANIKRAO JADHAV**

Appearance =>

Mr. D.V. Tele, Additional Government Pleader for the State.

Mr. Vijay Sakolkar, Advocate for the Respondent.

Coram : S.V. Gangapurwala, J.

Date : 1st October, 2015.

Per Court :-

In Land Reference Application No.2038/10 filed under Section 18 of the Land Acquisition Act, the Reference Court has partly allowed the said Reference on 4th March, 2013. Being aggrieved thereby, the State has preferred the Present Appeal.

[2] The learned Additional Government Pleader submitted that the Special Land Acquisition Officer after considering the market value of the land awarded the compensation @ Rs.543 per Are. According to the learned counsel, the Reference Court relied on the solitary sale instance Exhibit – 12 whereby the land was sold @ Rs.2750/- per Are in the year 1992.

The sale deed was in respect of one acre of the land which was sold for Rs.110,000/- on 21st April, 1992. According to the learned counsel, the reference court failed to consider the potentiality, quality of the land and quality of the land under the sale, in proper perspective.

[2] The learned counsel for the Respondent supported the Award.

[3] The Notification under Section 4 of “the Act” is dated 8th August, 2005. The sale instance Exhibit – 12 relied is in respect of the land of the same village as that of acquired land. Said sale instance is dated 21/04/1999 i.e. almost 13 years prior to the Notification under Section 4 of “the Act”.

Said sale instance shows that, land was sold @ Rs.2750/- per Are prior to 13 years of Notification under Section 4 of “the Act” still the court has awarded the compensation only @ Rs.2750/- per Are without making addition of 10% per year.

[4] Considering the location of the property, I do not think, error has been committed by the reference court in awarding the said compensation amount. This is the modest one. In that view of the matter, First Appeal is dismissed. No costs. C.A. No.4507/14 also disposed of.

(S.V. GANGAPURWALA, J.)