

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

FIRST APPEAL (STAMP)NO.6459/2014.  
WITH  
FIRST APPEAL (STAMP)NO.6477/2014.  
FIRST APPEAL (STAMP)NO.6473/2014.

THE STATE OF MAHARASHTRA & ORS.  
**VERSUS**  
MANGALBAI VIJAYKUMAR BIRAJDAR

**Appearance =>**

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

Mr. Vijay Sakolkar, Advocate for the Respondents.

**Coram : S.V. Gangapurwala, J.**

**Date : 1<sup>st</sup> October, 2015.**

**Per Court :-**

Reference preferred by the claimant under Section 18 of the Land Acquisition Act is partly allowed.

[2] Aggrieved thereby the State has filed present Appeals. The learned Additional Government Pleader submitted that while enhancing the compensation amount, sale instance Exhibit – 12 relied upon is dated 21<sup>st</sup> April, 1992. Notification under Section 4 is of the year 2002. According to the learned Additional Government Pleader reference court has not properly considered the sale deed and same cannot be said to be in respect of similarly situated land as that of the acquired land.

I have considered the submissions and impugned Judgment.

[3] The sale instance relied is of 21<sup>st</sup> April, 1999 and in respect of land situated in the same village as that of the acquired land. The sale instance can be said to be exemplar sale. The sale transaction shows that, one Acre land was sold for consideration of Rs.1,10,000/- almost 11 years prior to the Notification under Section 4 of “the Act”. Still no addition has been made. On the contrary, compensation is awarded @ Rs.2200/- per Are, which cannot be said to be excessive. First Appeal/s are dismissed. No costs.

**(S.V. GANGAPURWALA, J.)**