

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

FIRST APPEAL STAMP NO.6976 OF 2013

1. The State of Maharashtra
through the Collector, Beed
 2. The Executive Engineer,
M.I. (L.S.) Div. Beed
- ..Appellants

Versus

1. Shivaji Balasaheb Deokar
 2. Balasaheb Balkrashna Deokar
 3. Hirabai Balasaheb Deokar
 4. Jaishri Kundanlal Deokar
 5. Mangalabai Deelip Deokar
- All Age Major, Occu. Agri.,
R/o Shirapur, Taluka Ashti,
District Beed
- ..Respondents

Mr P.P. More, A.G.P. for appellants
Mr C.K. Shinde, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 10th August 2015

PER COURT

1. With the consent, the appeal is taken up for hearing.
2. Mr More, learned Assistant Government Pleader for the appellants submits that the sale instances Exhibits 13 and 14 taken into account are not established to have the proximity with the land under acquisition and as such, the award of the compensation is exorbitant.
3. With the assistance of learned Counsel, I have perused the findings recorded by learned reference Court under Section 18 of the Land Acquisition Act.
4. It is required to be noted that Section 4 notification was issued on 28th August 2004. The Land Acquisition Officer awarded

compensation of Rs.590/- per R, which is enhanced by the reference Court to Rs.2,000/- per R.

5. In support of the enhancement, the claimants have relied upon two sale deeds i.e. Exhibit 13 dated 7th September 2000 by which the land was sold at the rate of Rs.6,000/- per R and Exhibit 14, sale deed dated 29th September 1995 by which the land was sold at the rate of Rs.2308/- per R.

6. The land that was acquired under the present proceedings to the extent of 2 hectare 66-R for achieving the object of irrigation.

7. Considering the available facility of irrigation, the Court noted that the land under acquisition was having seasonal irrigation facility and in view of difference in date of sale instances and Section 4 notification, has fixed the value of the land at the rate of Rs.2,000/- per R, after deducting 25% from the price of the land so as to achieve the object of determining the market price.

8. In my opinion, once it is established that the sale instances are pertaining to the land which is from the same village and same vicinity and the award which is based on the sale instances Exhibits 13 and 14, the compensation awarded by the reference Court is just and proper.

9. No case for interference is made out. The appeal fails, stands dismissed.

(N.W. SAMBRE, J.)