

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

FIRST APPEAL NO. 292 OF 2003

The State of Maharashtra,
through the Spl. Land Acquisition
Officer, M.I.W., Jalgaon
Dist. Jalgaon

.. Appellant

Versus

1. Shri Atmaram Deoram Patil,
Age : 48 Years, Occu. : Agril.,
R/o Khadgaon, Tq. Chopda,
Dist. Jalgaon.

2. Gangaram Deoram Patil,
Age : 40 Years, Occu. : Agril.,
R/o Khagaon, Tq. Chopda,
Dist. Jalgaon.

.. Respondents

**WITH
FIRST APPEAL NO. 293 OF 2003**

The State of Maharashtra,
through the Spl. Land Acquisition
Officer, M.I.W., Jalgaon
at Jalgaon, Dist. Jalgaon.

.. Appellant

Versus

Ramu Kisan Mahajan,
Age : 59 Years, Occu. : Agriculturist,
R/o Gorgawale Tq. Chopda,
(Deceased)
Hires

1. Khushal Ramu Mahajan,
Age : 45 Years,
2. Dattatray Ramu Mahajan,
Age : 40 Years,
3. Shantaram Ramu Mahajan,
Age : 35 Years,
4. Gayabai Ramu Mahajan,
Age : 65,
(Appeal abated against the
respondent No. 4)

All are agri. by occupation,
R/o Gorgawale, Tq. Chopda.

5. Anusayabai Shenphadu Patil,
Age : 55 Years, Occu. : Household,
R/o Wathi, Tq. Shirpur,
District Dhule.
6. Sushilabai Dattatray Patil,
Age : 50 Years,
C/o Gorakh Dattatray Patil,
Occu. : Household,
R/o Kawalthal, Tq. Erandol,
District Jalgaon.
7. Pramila Nago Patil,
Age : 47 Years, Occu. : Household,
C/o Nago Kashiram Patil,
R/o Erandol (Jangipura),
Tq. Erandol, Dist. Jalgaon,
age 24 yrs.

.. Respondents

Shri S. M. Jadhav, A.G.P. for Appellant/State in both matters.
Shri M. S. Patil, Advocate h/f Shri V. B. Patil, Advocate for
Respondents in both matters.

CORAM : S. V. GANGAPURWALA, J.
DATE : 10TH SEPTEMBER, 2015.

ORAL JUDGMENT :-

. The present respondents being dissatisfied with the amount of compensation awarded by the Special Land Acquisition Officer filed references U/Sec. 18 of the Land Acquisition Act. Same are partly allowed. Aggrieved thereby present appeals are filed by the State.

2. The learned Assistant Government Pleader submits that, the Reference Court while enhancing compensation amount has relied on Exhibit 34 erroneously. The sale instance cannot be said to be comparable sale instance. Though the sale instance is in respect of same village as that of acquired land, however, the Court is required to consider the quality of land under sale deed and acquired land. In absence of evidence on record said sale instance could not have been relied upon by the Reference Court.

3. I have also heard the learned counsel for respondents.

4. It is not disputed that the land under sale instance Exhibit 34 is in respect of same village as that of acquired land. The

Court has considered the sale deed and also the revenue assessment of the acquired land. It has also discussed the evidence suggesting that the said Exhibit 34 is genuine transaction and after considering valuation of the land under the sale deed has fixed the compensation at the rate of Rs. 1,263/- per R, which appears to be plausible. Considering the above, the first appeals are dismissed. No costs.

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/Sept. 15