

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

FIRST APPEAL STAMP NO. 8434 OF 2011

The State of Maharashtra through
Collector Latur and others .. Appellants

Versus

Balaji Gangadhar Malinde .. Respondent

Shri B. V. Virdhe, A.G.P. for Appellants/State.

Shri Hanmant V. Patil, Advocate for the Respondent.

WITH

**FIRST APPEAL STAMP NO. 8441 OF 2011
FIRST APPEAL STAMP NO. 8419 OF 2011
FIRST APPEAL STAMP NO. 8422 OF 2011
FIRST APPEAL STAMP NO. 8416 OF 2011
FIRST APPEAL STAMP NO. 8308 OF 2011
FIRST APPEAL STAMP NO. 8410 OF 2011
FIRST APPEAL STAMP NO. 8438 OF 2011
FIRST APPEAL STAMP NO. 8431 OF 2011
FIRST APPEAL STAMP NO. 8428 OF 2011
FIRST APPEAL STAMP NO. 8425 OF 2011
FIRST APPEAL STAMP NO. 8444 OF 2011
FIRST APPEAL STAMP NO. 8413 OF 2011**

CORAM : S. V. GANGAPURWALA, J.

DATE : 23RD OCTOBER, 2015.

PER COURT :

. Mr. Virdhe, the learned Assistant Government submits
that, the Special Land Acquisition Officer (for short "S.L.A.O.")

after considering the sale instance, the ready reckoner has awarded the compensation amount. The amount awarded by the S. L. A. O. is reasonable and just compensation. However, the Reference Court has granted exorbitant compensation amount. The S. L. A. O. had granted compensation at the rate of Rs. 495/- per R. to Rs. 817/- per R. The Reference Court exorbitantly enhanced the compensation amount to Rs. 1500/- per R. for Jirayat land and Rs. 3,000/- per R for Bagayat land. The learned A. G. P. submits that, the sale instances which were relied can not be said to be in respect of similarly situated land.

2. Mr. Patil, the learned counsel for respondent/claimant supports the award.

3. With the assistance of learned counsel for respective parties, I have gone through the judgment. The enhancement in all these cases ranges from Rs. 4000/- to Rs. 75000/-. In many of the matters the enhancement is about Rs. 20,000/- to Rs. 30,000/-.

4. The Reference Court has considered that, the S. L. A. O. had called three sale instances from village Mandurki and 9 sale instances from village Bothi. The lands acquired are from village Tirthewadi and Mandurki. The said sale instances are for a period from 11.12.2000 to 12.04.2002. The notification under Section 4 of the L. A. Act is dated 12.09.2002. All these sale

instances are prior to the notification under Section 4 of the L. A. Act and as such, the sale instances can be considered valid. Moreover, sale instances are also from the same village from which the lands have been acquired. The Reference Court has considered that, said sale deeds show the market value at Rs. 166/- per R to 1,243/- per R. However, the same has not been considered by the S.L.A.O. The Reference Court has considered that Exh. 14, 15 and 16 can not be considered, as those are in respect of the small piece of lands. The Reference Court after considering various sale instances fixed compensation of the land at the rate of Rs. 1,500/- per R. for jirayat land and considered the valuation of the Bagayat land at rate of Rs. 3,000/- per R. The same is in consonance with the sale instances on record. The categorization has been made by the S. L. A. O. in respect of the lands has been accepted by the Reference Court. After considering the said sale instances, the situation of the properties and the fact that the sale instances are exemplar sale instances, the Reference Court has awarded correct compensation amount.

6. In light of that, first appeals are dismissed. No costs.

[S. V. GANGAPURWALA, J.]