

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...
906 FIRST APPEAL NO. 2308 OF 2015
WITH CA/5581/2011 IN FA/2308/2015

THE STATE OF MAH THR. SPECIAL LAND ACQUISITION OFFICER,
JALGAON AND ANR

VERSUS

PRAMILA SURESH PATIL

WITH

FIRST APPEAL NO. 2309 OF 2015

THE STATE OF MAH THR. SPECIAL LAND ACQUISITION OFFICER,
JALGAON AND ANR

VERSUS

SHAKUR A. RAHMAN DESHMUKH

...

Advocate for Appellants : Mr. D.R.Korde, A.G.P.

Advocate for Respondents : Mr. Ajeet B.Kale

...

CORAM : S. V. GANGAPURWALA, J.

DATE : 9th September, 2015

PER COURT :

1. The present respondents have filed references under Section 18 of the Land Acquisition Act being aggrieved by the inadequate compensation awarded by the Special Land Acquisition Officer. The said references are partly allowed. Aggrieved thereby, the State has filed the present appeals.

2. The learned Asst. Govt. Pleader states that the Reference Court, while enhancing the compensation amount, has not considered that the sale deeds relied by the claimants were of small pieces of lands. The

same cannot be said to be comparable sale instances. The learned AGP submits that the lands acquired are almost 38 R and 63 R. Considering the large area of the land acquired, the sale deeds of the plots could not have been treated as a comparable sale instance. The Special Land Acquisition officer, after considering all the relevant aspects of the matter, had properly awarded the compensation amount.

3. Mr. Kale, the learned counsel for the claimants submits that in fact, the claimants have claimed compensation @ Rs.3 lakhs per hectare. It has been observed that MHADA had gone for sale of plots at village Paldhi. The said aspect has been considered, so also the sale deeds are of the adjacent land and executed much prior to the notification under section 4 of the Land Acquisition Act.

4. I have considered the submissions, so also I have gone through the judgment.

5. The sale deeds of Gat No.15 and Gat No.17, executed in the year 1987 and 1985 have been produced on record. They are in respect of plots, so also the

sale deeds of plot Nos.13, Gat No.10, and also of Gat No.96/2 admeasuring 89 R of village Paldhi are produced on record. The same are also of the period prior to the notification under section 4. It has been observed by the Court that the lands have non agricultural potentiality and majority of the plots of the nearby vicinity are converted into non agriculture. The evidence of witness Pramod Choudhari who is an Officer, MHADA Sub-Division, Jalgaon has also been considered who has stated that an advertisement is issued in respect of sale of plots of MHADA in the said village Paldhi. Considering all relevant aspects of the matter the Reference Court has arrived at a plausible conclusion.

6. In the light above, the first appeals are dismissed. No costs. Civil application also stand disposed of.

(S. V. GANGAPURWALA, J.)

JPC