

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

FIRST APPEAL NO. 1148 OF 2003

1. The Special Land Acquisition
Officer, III U.T.P.H., Jalgaon.
2. The Executive Engineer,
Waghur Project, Jalgaon. .. Appellants

Versus

Shri Pandurang Gangaram Patil,
Age - Major, Occu. : Agri.,
R/o Khadgaon, Tal. Jamner,
Dist. Jalgaon. .. Respondent

**WITH
FIRST APPEAL NO. 1144 OF 2003**

1. The Special Land Acquisition
Officer, III U.T.P.H., Jalgaon.
2. The Executive Engineer,
Waghur Project, Jalgaon. .. Appellants

Versus

Shri Amrut Pundalik Chinchole,
Age - Major, Occu. : Agri.,
R/o Khadgaon, Tal. Jamner,
Dist. Jalgaon. .. Respondent

**WITH
FIRST APPEAL NO. 1145 OF 2003**

1. The Special Land Acquisition
Officer, III U.T.P.H., Jalgaon.

2. The Executive Engineer,
Waghur Project, Jalgaon. .. Appellants

Versus

Santosh Sitaram Bavaskar,
Age - Major, Occu. : Agri.,
R/o Khadgaon, Tal. Jamner,
Dist. Jalgaon. .. Respondent

**WITH
FIRST APPEAL NO. 1146 OF 2003**

1. The Special Land Acquisition
Officer, III U.T.P.H., Jalgaon.
2. The Executive Engineer,
Waghur Project, Jalgaon. .. Appellants

Versus

Shankar Sonu Bhoi,
Age - Major, Occu. : Agri.,
R/o Khadgaon, Tal. Jamner,
Dist. Jalgaon. .. Respondent

**WITH
FIRST APPEAL NO. 1147 OF 2003**

1. The Special Land Acquisition
Officer, III U.T.P.H., Jalgaon.
2. The Executive Engineer,
Waghur Project, Jalgaon. .. Appellants

Versus

Chango Nathu Nikam,
Age - Major, Occu. : Agri.,
R/o Khadgaon, Tal. Jamner,
Dist. Jalgaon. .. Respondent

Shri S. M. Jadhav, A.G.P. for Appellants/State in all matters.
Shri L. V. Sangit, Advocate h/f Shri V. J. Dixit, Senior Advocate for
the Respondent in all matters.

CORAM : S. V. GANGAPURWALA, J.

DATE : 30TH SEPTEMBER, 2015.

ORAL JUDGMENT :-

. The respondents/claimants being dissatisfied with the amount of compensation awarded by the Special Land Acquisition Officer (for short "S.L.A.O.") filed references U/Sec. 18 of the Land Acquisition Act. The Reference Court partly allowed the References. Aggrieved thereby the State has filed the present appeals.

2. Mr. Jadhav, the learned Assistant Government Pleader for appellants submits that, the Reference Court while enhancing compensation amount has relied on the sale instances dated 16.01.1996 and 13.08.1997. The said sale instances are in respect of small areas of lands. The lands under sale instances and the acquired lands are not similarly situated. According to the learned A. G. P. the Reference Court has not discussed about whether the sale instances relied are exemplar sale instances. The Court has awarded compensation at the rate of Rs. 2,00,000/- per hector for Jirayat land and Rs. 1,00,000/- per hector for pot kharab land, which is highly excessive. The notification U/Sec. 4 of the L. A. Act is dated 21.01.1998.

3. Mr. Sangit, the learned counsel for respondents/claimants

supports the award and submits that, in fact Court has awarded less compensation amount. The sale instances are prior to the notification U/Sec. 4 of the L. A. Act. Even 10% addition is required to be made.

4. I have considered the submissions canvassed by learned counsel for respective parties. It appears from the award passed by the Reference Court that, enhancement of compensation is only in respect of land and no enhancement is granted in respect of trees. While awarding compensation amount the Reference Court has relied on two sale deeds that is vide sale deed dated 13.08.1997, 40R land is sold for Rs. 1,02,000/- and vide sale deed dated 16.01.1996, 50R land is sold for Rs. 1,25,000/-. The lands under both the sale deeds are Jirayat lands. The lands under sale deed are situated in the same village as that of the acquired lands. The said sale instances are not in respect of small areas of lands. However, still the Court has reduced the amount while awarding compensation. If said sale instances are considered, the value of the land is more than Rs. 2,25,000/- per hector. However, the Reference Court has awarded Rs. 2,00,000/- per hector and half of the amount of Jirayat land has been awarded for the pot kharab lands. The Reference Court has not committed any error while awarding compensation amount. The first appeals as such are dismissed. No costs.

Sd/-

[S. V. GANGAPURWALA, J.]