

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

FIRST APPEAL STAMP NO. 10093 OF 2013

The State of Maharashtra and another .. Appellants

Versus

Sandu Tukaram Tupe Died through
L.Rs. .. Respondents

Shri D. V. Tele, A.G.P. for the Appellants/State.

Shri A. B. Kale, Advocate h/f Shri C. K. Sonawane, Advocate for
the Respondent.

CORAM : S. V. GANGAPURWALA, J.

DATE : 09TH OCTOBER, 2015.

PER COURT :

. The learned Assistant Government Pleader submits that, the Land Acquisition Officer had considered the potentiality of the land, its location and various sale deeds and had arrived at conclusion that the market value of the acquired land is Rs. 320/- per R. The Reference Court on the basis of sale deed of small area of the land has enhanced the compensation amount to Rs. 588/- per R. According to the learned A.G.P. Reference Court ought not have relied on said sale instances.

2. Mr. Kale, the learned counsel for the legal heirs of the deceased claimant submits that, the Reference Court has

properly relied on Exhibit 34 and the said sale deed can be said to be a exemplar sale deed. The said sale deed is of the year 1990 and the notification U/Sec. 4 is dated 20th March, 1992.

3. I have considered the judgment delivered by the Reference Court. The claimants have relied on two sale deeds Exhibit 36 and 35, so also sale deed at Exhibit 34. The Exhibit 36 is dated 02.07.1990 i. e. after notification U/Sec. 4 of the L. A. Act, as such same is not considered. The valuation of the said sale deed Ex. 35 is also not considered because it is a sale deed in respect of seasonal bagayat land, as such the sale consideration is discarded. The Exhibit 34 is considered. As per consideration of sale deed Exhibit 34, 26R land is sold for Rs. 12,000/- i. e. Rs. 461.50 per R. The same is of the year 1990. Adding 10% increase every year the Court has come to the conclusion that the market value of the acquired land is Rs. 588/- per Rs. The sale deed in respect of the land in the same vicinity is considered.

4. Considering the above, the appeal is dismissed, however, with no order as to costs.

[S. V. GANGAPURWALA, J.]