

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

FIRST APPEAL NO. 2480 OF 2014

1. The State of Maharashtra
Through – The Collector /
The Special Land Acquisition Officer,
Jayakwadi Project No.1,
Aurangabad.
2. The Executive Engineer,
Minor Irrigation (Local Sector)
Division No.2, Aurangabad. ... APPELLANTS

Versus

Ramdas S/o Bajirao Janjal,
Age : Major, Occu. : Agril.,
R/o Rampurwadi (Mehun), Tq. Kannad,
Dist. Aurangabad. ...RESPONDENT

WITH

CIVIL APPLICATION NO. 7532 OF 2015
IN FA/2480/2014

Ramdas S/o Bajirao Janjal,
Age : Major, Occu. : Agril.,
R/o Rampurwadi (Mehun), Tq. Kannad,
Dist. Aurangabad. ...APPLICANT

Versus

1. The State of Maharashtra
Through Collector/Special Land Acquisition Officer,
Jaikwadi Project, Through,
Sub Divisional Officer, Kannad,
Dist. Aurangabad.
2. The Executive Engineer,
Minor Irrigation (Local Sector)
Division No.2, Aurangabad. ...RESPONDENTS

Mr. D. R. Korde, AGP for appellants.
Mr. Charudatta K. Sonawane, Advocate for claimant.

CORAM : N.W. SAMBRE, J.

DATE : 12th August, 2015

ORAL ORDER :

. With consent, the appeal is taken up for final disposal at admission stage.

2. Pursuant to notification under Section 4 of the Land Acquisition Act (hereinafter shall be referred to as "The Act"), issued on 22/02/1996, Land Acquisition Officer awarded compensation @ Rs. 445/- per Are, the enhancement of which was sought @ Rs. 2100/- per Are based on sale instance.

3. The Reference Court has determined the market value of the land of the claimant @ Rs. 792/- per Are, which is questioned in the present appeal on the ground of exorbitant fixation of price.

4. With the assistance of learned Counsel for the parties, I have perused the findings recorded by the learned Reference Court alongwith record and proceeding available.

5. It is required to be noted that, the claimant so as to establish

his claim for enhancement has relied upon oral evidence at Exhibit-11 and has placed on record the documentary evidence i.e. sale deed dated 18/04/1995 at Exhibit-22 for 40 Are, which was sold for consideration of Rs. 50,000/- from the same village. Considering the date of sale deed i.e. 18/04/1995 and Section 4 notification i.e. 22/02/1996, the Reference Court has fixed price of the land acquired @ Rs. 792/- per Are.

6. In my opinion, the enhancement granted is reasonable. No case for interference is made out. The appeal fails, same stands dismissed.

7. In view of dismissal of appeal, applicant/claimant will be entitled to withdraw the amount after the appeal period is over.

(N.W. SAMBRE, J.)

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