

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

FIRST APPEAL STAMP NO. 11879 OF 2015

The State of Maharashtra and others .. Appellants
Versus
Trimbak Vithoba Godse and others .. Respondents

**WITH
FIRST APPEAL STAMP NO. 11882 OF 2015**

The State of Maharashtra and others .. Appellants
Versus
Gajarabai Shamrao More and others .. Respondents

Shri S. P. Sonpawale, A.G.P. for Appellants.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 23RD OCTOBER, 2015.**

PER COURT :

. The learned Assistant Government Pleader submits that, the Reference Court has relied only on one sale instance while enhancing market value of the acquired land. According to the learned A. G. P. said sale instance cannot be said to be an exemplar. The said sale instance is in respect of small area of land. There is no evidence to show that the land in sale instance and the acquired lands are similarly situated lands.

2. I have considered the submissions. The sale instance is in

respect of the land of the same village as that of acquired land. The said sale instance is not in respect of small area, but is in respect of 42R land. The Court has also considered the boundaries in the sale deed, so also has considered the acquired lands. The Court has also considered that the acquired lands are small pieces of lands. The notification U/Sec. 4 is dated 02.12.1993. The sale deed is of January 1990. By adding 10% increase every year and deducting an amount almost 10% from the same, the Court has arrived at the market value. Almost thirteen sale instances were before the Special Land Acquisition Officer, but the S.L.A.O. has awarded compensation on the basis of land revenue only.

3. Considering the above, the Court has awarded modest amount of compensation. As such, first appeals are dismissed. No costs.

[S. V. GANGAPURWALA, J.]