

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

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FIRST APPEAL ST. NO.11888/2015
WITH CA/5757/2015 IN FIRST APPEAL ST. NO.11888/2015
WITH FIRST APPEAL ST. NO.11891/2015
WITH CA/5759/2015 IN FIRST APPEAL ST. NO.11891/2015

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS

GORAKH KRISHNA NAGARGOJE

WITH

958 FIRST APPEAL ST. NO.11898/2015
WITH CA/5761/2015 IN FIRST APPEAL ST. NO.11898/2015 WITH
FIRST APPEAL ST. NO.11903/2015
WITH CA/5763/2015 IN FIRST APPEAL ST. NO.11903/2015

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS

ISHWAR ANNA KATE AND ANOTEHR

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AGP for Applicants : Mr. S. P Sonpawale

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CORAM : S. V. GANGAPURWALA, J.

DATE : 16th October, 2015

PER COURT :

1. Learned AGP submits that the reference court has awarded exorbitant compensation amount. Sale instance relied is of small area of land which cannot be said to be a comparable sale instance. According to learned AGP, there is no other evidence worth the name to enhance the compensation.
2. I have considered the judgment.
3. The reference court has relied on the sale

instances Exhibits 19 and 20. The court has deducted 30% amount for considering the market value from the said sale instance as they were of small area of land. The reference court has also considered that the sale instances are in respect of the lands situated in the same village as that of the acquired land. Moreover, it has also considered the sale instances before the Land Acquisition Officer as quoted in the award at Rs.83,000/-, 68,000/- and Rs.1,66,666/- per hectare. These were instances of sale of land admeasuring 30 Ares, 73 Ares and 30 Ares.

4. Considering the aforesaid aspects of the matter, the reference court has rightly held the market value of the acquired land at Rs.80,000/- per hectare. Reference court, after considering all the relevant aspects of the matter, awarded reasonable and modest compensation amount. As such, the judgment and award passed by the reference court needs no interference. The First Appeals, as such, are dismissed. No costs.

5. In view of dismissal of first appeals, the civil applications for stay also stand disposed of.

(S. V. GANGAPURWALA, J.)