

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

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**959 FIRST APPEAL ST. NO. 12255/2015 WITH CIVIL
APPLICATION NO. 5809 OF 2015
IN FAST/12255/2015**

**THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
SHRIKANT VISWAS KAPSE AND OTHERS**

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Advocate for Applicants : Mr. B. V. Viradhe

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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, the Special Land Acquisition Officer, after considering all the relevant aspects of the matter, had properly awarded the compensation amount. No error is committed by the SLAO while awarding the compensation amount.

2. With the assistance of the learned AGP, I have gone through the judgment.

3. The reference court has relied on the sale instances Exhibit 15. The said sale instance is in respect of the lands situated in the same village as that

of the acquired land. The sale deed is dated 31.08.1999. Notification under section 4 is dated 05.06.2003. Land revenue of the land under the sale deed and acquired land is the same. The reference court has considered the date of notification and valued the acquired land at Rs.3,50,000/- per acre as per the said sale instance. Even sale instance referred in the award passed by the SLAO were considered, wherein 77 Ares land was sold for Rs.1,94,805/- in the year 2001. In the another sale instance which is of the year 2000, one acre land was sold for Rs.1,68,750/-. The reference court has also considered that village from where the land is acquired has basic amenities such as dispensary, primary schools, tar road etc. The reference court has not awarded compensation @ Rs.350,000/- per hectare but has reduced it to Rs.2,00,000/- per hectare.

4. Considering the aforesaid aspects of the matter, the reference court has rightly valued the acquired land and 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 Appeal, as such, is dismissed. No costs.

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

(S. V. GANGAPURWALA, J.)

JPC