

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**FIRST APPEAL NO. 619 OF 2002**

Arvind S/o Manikrao Sonwane,  
Age : 55 Years, Occu. : Agri. And Business,  
R/o : Shantiniketan,  
Dist. : Latur .. Appellant

**Versus**

The State of Maharashtra,  
Through the Collector, Latur .. Respondent

...  
Shri B. N. Patil, Advocate for the Appellant.  
Shri D.V.Tele, A. G. P. for the Respondent / sole.  
...

**CORAM : S.V.GANGAPURWALA,J.**

**DATED : 28TH SEPTEMBER, 2015**

**ORDER :-**

1] Being dissatisfied with the amount awarded by the S.L.A.O., the appellant filed Reference u/s 18 of the Land Acquisition Act. The Court partly allowed the said Reference. The present appeal is filed by claimant for further enhancement.

2] Mr.Patil, learned counsel for appellant submits that the sale instances have not been properly considered. Exh.32 to 34 have not been properly considered. They are in respect of the land situated in

the same village. According to the learned counsel, if the sale instances are seen, the market value of the lands are almost at Rs.1,85,000/- to Rs.2 lakh per hectare. There was no impediment to award the said amount of compensation. Even sale deed at Exh.32 is almost eight years prior to the notification u/s 4 of the Act. According to the learned counsel, Exh.34 could also have been considered.

3] The learned counsel further submits that the acquired land was situated on State High Way. This fact is also proved.

4] The learned AGP submits that the Reference Court considered all the relevant aspects of the matter, has awarded just and reasonable amount of compensation. The quality of the land acquired is also inferior.

5] With the assistance of learned counsel, I have gone through judgment and award, so also record and proceeding.

6] The notification u/s 4 of the Act is issued on 14/6/1994. The possession of the land has been taken on 10/10/1994. The SLAO had awarded compensation at the rate of Rs.24,000/- per hectare. The Reference Court has awarded compensation at the rate of Rs.85,000/- per hectare. Exh.34 cannot be considered as it is after notification u/s 4 of the Act. Those transactions which were prior to the notification u/s 4 of the Act only can be considered. The lands in the said instance are small area of land i.e. 29 Aar. Area admeasuring 60 Aar is sold for consideration of Rs.45,000/-. The market value would be around Rs.80,000/- to 85,000/- per hectare. However, said sale deed is prior to the notification, 10% increase per year can be considered,. The Reference Court has considered that the acquired land is near the State High Way. As in the award

itself states that there is road from both sides of the acquired land. Considering the above, there would not be any impediment to award compensation at the rate of Rs.1,25,000/- per hectare. In light of above, the impugned award under Reference is improper. It is held that the appellant is entitled for compensation of Rs.1,25,000/- per hectare. Respondent shall pay compensation to the appellant at the rate of Rs.1,25,000/- per hectare. Rest of the statutory benefits as awarded by Reference Court are upheld. Appeal is accordingly disposed of. No costs.

**[S.V.GANGAPURWALA,J.]**

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