

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

**FIRST APPEAL NO. 271 OF 2003
WITH
CIVIL APPLICATION NO. 7776 OF 2002**

The State of Maharashtra

... Appellant

VERSUS

Pandurang s/o. Vithalrao Kolhale

... Respondent

.....
Mr S. G. Sangle, AGP for appellant/State
Mr M. S. Patil, Advocate for respondent
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **3RD SEPTEMBER, 2015.**

PER COURT:

. The learned AGP submits that, the reference Court has granted exorbitant compensation amount without any rational basis. The sale deed relied is not in respect of a similarly situated land. The claimants have failed to show that the said land under sale and the acquired land are comparable. Exorbitant amount of compensation is awarded.

2. It is not disputed that the notification u/s 4 is dt. 31/3/1991. The sale deed relied is dt. 30/3/1990, appears to be of same village. The said sale deed is of 40 R land, which is sold for Rs. 40,000/- i.e.

Rs. 1,00,000/- per hectare. The reference Court has awarded compensation amount of Rs. 90,000/- per hectare. The reference Court has rightly relied upon the said sale deed. The reference Court has also considered the location of the land acquired and the crops being harvested.

3. The enhancement is also not much. Considering the aforesaid aspects of the matter, First Appeal is dismissed. No costs.

4. In view of disposal of main appeal, connected civil application for stay no more survives and same stands disposed of.

[S. V. GANGAPURWALA, J.]

sgp