

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

FIRST APPEAL NO. 37 OF 2004

The State of Maharashtra .. Appellant

Versus

1. Baba Anna Dhawale,
2. Balu Baba Dhawale,
3. Bhau Baba Dhawale,
4. Rangnath Anna Dhawale,

All Major, Agriculturists
and R/o Dhawalgaon,
Tal. Shrigonda, Dist. Ahmednagar. .. Respondents

Shri D. V. Tele, A.G.P. for the Appellant.
The Respondent Nos. 1 to 4 served.

**WITH
FIRST APPEAL NO. 38 OF 2004**

The State of Maharashtra .. Appellant

Versus

1. Namdeo Sitaram Walunj,
Age : 55 Yrs.,
2. Sabaji Sitaram Walunj,
Age : 45 Yrs.,

3. Baban Dashrath Walunj,
Age : 35 Yrs,

4. Devram Dashrath Walunj,
Age 30 Yrs.,

All Agriculturist and
R/o Dhawalgaon, Tal. Shrigonda,
Dist. Ahmednagar.

.. Respondents

Shri D. V. Tele, A.G.P. for the Appellant.
The Respondents served.

**WITH
FIRST APPEAL NO. 42 OF 2004**

The State of Maharashtra

.. Appellant

Versus

Sampatrao Bhausahab Dhawale,
Age : 50 Years, Occu. : Agril.,
R/o Dhawalgaon, Tal. Shrigonda,
Dist. Ahmednagar.

.. Respondent

Shri D. V. Tele, A.G.P. for the Appellant.
Shri A. K. Gawali, Advocate for the Respondent.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 30TH SEPTEMBER, 2015.**

ORAL JUDGMENT :-

. The respondents/claimants being dissatisfied with the amount of compensation awarded by the Special Land Acquisition Officer filed references U/Sec. 18 of the Land

Acquisition Act. The Reference Court partly allowed the References. Aggrieved thereby the State has filed the present appeals.

2. Mr. Tele, the learned Assistant Government Pleader submits that, the Reference Court has without any evidence on record enhanced the compensation amount only on the basis of decision given in L.A.R. No. 320 of 1990. The Reference Court held market rate as Rs. 200/- per R. According to the learned Assistant Government Pleader there was o basis to arrive such conclusion. According to the learned A. G. P. the Reference Court has committed error while awarding compensation amount.

3. I have considered the submissions. The total enhanced amount is ranging from Rs. 1,500/- to Rs. 3,700/-. The Reference Court has considered the sale instance. Small pieces of lands are acquired. In fact in such matters, the State should never file appeals also. The transactions similar to the acquired lands have been considered. The Special Land Acquisition Officer had awarded compensation at the rate of Rs. 140/- per R i. e. Rs. 14,000/- per hector. The Reference Court has considered the situation of the property, the copy of sale deed Exhibit 13 and the decision in another reference. The Reference Court held the prevailing market rate to be Rs. 20,000/- per hector.

4. Considering the above, no error has been committed by the Reference Court. As such, first appeals are dismissed. No costs.

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/Sept. 15