

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

926 FIRST APPEAL NO. 464 OF 2003

STATE OF MAHARASHTRA

VERSUS

SANDU MANDU PARDESHI

...

Advocate for Appellant : Mr. D. V. Tele, A.G.P.

Advocate for Respondents : Mr. A.M Hazare h/for
Mr. A. B. Kale

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CORAM : S. V. GANGAPURWALA, J.

DATE : 22nd September, 2015

PER COURT :

1. The present respondents, being dissatisfied with the amount of compensation awarded by the Special Land Acquisition Officer, filed Reference under section 18 of the Land Acquisition Act. The Reference is partly allowed. Aggrieved thereby, the State has filed the present appeal.

2. Mr.Tele the learned AGP submits that while enhancing the compensation amount, the Reference Court has relied on sale deed Exhibit 20 in respect of land of another village. According to learned AGP, the said transaction can not be said to be exemplar sale transaction. The Special Land Acquisition Officer, after considering all the relevant aspects of the

matter, had rightly awarded compensation @ Rs.8500/- per hectare. The Reference Court has exorbitantly enhanced to Rs.50,000/- per hectare.

3. Learned counsel for the respondents supports the award.

4. I have gone through the record and proceedings.

5. The sale deed relied upon by the Reference Court is dated 29.10.1980. It is observed by the Reference Court that the same is in respect of adjoining land. Considering the sale deed, the valuation would be Rs.50,000 per hectare. It can be noted that in the acquired land, well is also situated. The land can be considered as seasonally bagayat. Still no additions are made by the Reference Court while awarding the compensation amount. So also no addition of 10% increase per year has been made. The Reference Court has awarded modest amount as compensation. I do not see any error committed by the Reference Court. The first appeal as such is disposed of. Civil application also stands disposed of. No costs.

(S. V. GANGAPURWALA, J.)

JPC