

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

928 FIRST APPEAL NO. 478 OF 2003
WITH CA/5698/2006 IN FA/478/2003

STATE OF MAHARASHTRA AND ANR

VERSUS

LAXMAN SAKHARAM FULMALI

...

Advocate for Appellants : Mr. D. V. Tele, AGP
Advocate for Respondents : Mr. A. M.Hajare h/for
Mr. A. B.kale

...

CORAM : S. V. GANGAPURWALA, J.

DATE : 22nd September, 2015

PER COURT :

1. Being dissatisfied with the compensation amount awarded by the Special Land Acquisition Officer (SLAO), the respondents filed Reference under Section 18 of the Land Acquisition Act. Reference Court enhanced the compensation. Aggrieved thereby, the State has filed the present appeal.

2. Mr. Tele, the learned AGP submits that the reference court has exorbitantly enhanced the compensation amount. The sale instance considered by the reference court is in respect of the land situated in different village i.e. village Paldhi, whereas the

acquired land is from village Gondkhede. The learned AGP submits that the said sale transaction is in respect of small area of land. There is nothing on record to show that the said sale instance is a comparable sale instance. Still, the reference court has blindly relied on the said sale instance while enhancing the compensation.

3. Mr. Hajare, learned counsel for the respondent supports the award.

4. With the assistance of learned counsel I have considered the judgment and record and proceedings.

5. The Reference Court, while awarding compensation, amount, has relied on the sale instance of village Paldhi wherein 65 R land is sold for Rs.34,000/- i.e. at the rate of Rs.52,307/- per hectare. The said sale deed is dated 23.03.1983, whereas the notification under section 4 is dated 02.06.1987. The said sale deed is almost four years prior to the notification under section 4 of the Land Acquisition Act. The reference court has awarded

compensation @ Rs.55,000/- per hectare i.e. almost a the same rate even though the notification is after four years.

6. Considering the above, the reference court has properly arrived at the conclusion. In light of that the first appeal is dismissed. No costs.

(S. V. GANGAPURWALA, J.)

JPC