

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

**FIRST APPEAL NO. 2464 OF 2009
WITH
CIVIL APPLICATION NO. 12831 PF 2008**

The State of Maharashtra .. Appellant

Versus

Maruti Gopala Tikone (Died)
Through L.Rs. Chandrabhaga Maruti
Tikone and Others .. Respondents

**WITH
FIRST APPEAL NO. 2466 OF 2009
WITH
CIVIL APPLICATION NO. 12839 OF 2008**

The State of Maharashtra .. Appellant

Versus

Sampat Sukhdeo Jadhav and Another .. Respondents

Shri D. R. Korde, A. G. P. for the Appellants.
Shri D. R. Jayabhar, Advocate for Respondents.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 01ST OCTOBER, 2015.**

PER COURT :

1. Being dissatisfied with the amount of compensation awarded by the S. L. A. O. the claimants filed Reference under Section 18, of the Land Acquisition Act, before the Reference Court. The Reference Court partly allowed the Reference. Aggrieved thereby the present appeals.

2. The learned A. G. P. submits that, the S. L. A. O. had awarded compensation at a rate of Rs. 250/- per R. The Reference

Court enhanced it to Rs. 400/- per R. The learned A. G. P. submits that, the sale instances relied cannot be said to be in respect of the similarly situated lands. According to the learned A. G. P., the Reference Court has not considered the quality of the land acquired and the land under the sale instances. No comparison has been made.

3. Mr. Jaybhar, the learned counsel supports the judgment.

4. I have considered the judgment and the record and proceedings. The Reference Court has awarded compensation at a rate of Rs. 450/- per R for a seasonally irrigated lands, wherein there was existence of well and for Jirayat lands compensation awarded compensation at a rate of Rs. 250/- per R only. The reference Court has relied upon the sale instance at Exh. 20 which purportedly appears to be in respect of the lands situated in the same village as that of the acquired lands. The said sale instance is prior to the notification under Section 4 of the Land Acquisition Act. The said sale instance is of the year 1984 to 1990. The notification under Section 4 is of the year, 1991. The enhancement is also not much. Considering the aforesaid aspects the Reference Court has rightly considered the sale instance and has granted moderate amount of compensation. First appeals as such are dismissed. No costs.

5. In view of disposal of appeals, civil applications also disposed of.

[S. V. GANGAPURWALA, J.]