

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**FIRST APPEAL NO. 1014 OF 2002
WITH CA/4719/1999 IN FA/1014/2002**

**STATE OF MAHARASHTRA
VERSUS
ABDUL RAHMAN SUJAN PATHAN**

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Advocate for Appellant : Mr. P. P. More Asstt. Govt. Pleader

Advocate for Respondent : S P Chapalgaonkar

WITH

**FIRST APPEAL NO. 1019 OF 2002
WITH CA/4720/1999 IN FA/1019/2002**

**STATE OF MAHARASHTRA
VERSUS
RAMBHAU GANPAT WAGHMARE
WITH
FIRST APPEAL NO. 1021 OF 2002
WITH CA/4717/1999 IN FA/1021/2002**

**STATE OF MAHARASHTRA
VERSUS
SAKHAHARILAXMAN AUTE AND OTHERS**

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Advocate for Appellant : Mr. P. P. More Asstt. Govt. Pleader

Advocate for Respondents : Mr. N. J. Pahune Patil

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CORAM : S. V. GANGAPURWALA, J.

DATE : 27th August, 2015

PER COURT :

1. Mr. More, Learned Assistant Government Pleader submits that the Reference court has awarded exorbitant compensation amount. The Special Land Acquisition Officer, after considering all the relevant aspects of the matter, had rightly considered the compensation amount. According to learned AGP, on the principle that irrigated land will get double the rate of the jirayat land, the compensation has been awarded. Reliance is

placed on the judgment in another land acquisition reference bearing LAR No. 399/1996. According the learned AGP, a straitjacket formula cannot be applied. At the most 25% enhancement can be granted to the Bagayat land as that of the Jirayat land. The learned APP relied on the judgment of the Full Bench of this Court in the case of **State Maharashtra Vs. Suryabai, reported in 2008 1 BCR 386**

2. Learned AGP further submits that there is absolutely no discussion about the similarity of the land acquired and the land under the sale deed. Sans any discussion, the award has been passed by the reference court.

3. Mr. Chapalgaonkar, learned counsel for the appearing for the claimants in First Appeal No. 1014/2002 submits that the reference court has rightly considered all the aspects of the matter and properly awarded the compensation amount.

4. I have considered the submissions and also gone through the record.

5. Reliance was placed on Exh.15 i.e. the sale deed in respect of 1 acre 15 R land of the same village of the acquired land by the reference court. The said sale deed is of a Jirayat land, acquired lands are Bagayat lands. The court has also considered that the Bagayat land would be given more compensation so also considered the long time gap that has taken place i.e. the notice under section 4 is of the year 1989, possession

is taken mediately thereafter and the amount enhanced would be in the range of Rs.20 to 40 thousand only in all these matters. Considering the fact that the bagayat agricultural lands are acquired, the reference court, though had not given elaborate reason, but the fact that the sale deed of Jirayat land has been considered, and necessary addition has been made for bagayat land, I am not inclined to interfere in the said order. The first appeals as such dismissed. No costs. Civil applications also stand disposed of.

(S. V. GANGAPURWALA, J.)

JPC