

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

**FIRST APPEAL NO. 27 OF 2003
WITH
CIVIL APPLICATION NO. 439 OF 2003**

The State of Maharashtra & Ors.

... Appellants

VERSUS

Shankarrao Hanumantrao Kale

... Respondent

.....
Mr S. G. Sangle, AGP for appellant/State
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **3RD SEPTEMBER, 2015.**

PER COURT:

. The State has challenged the award passed by the reference Court u/s 18 of the Land Acquisition Act.

2. Mr Sangle, learned AGP submits that, the date of the award is not shown. The reference Court has relied upon two sale deeds i.e. Exh. 42, which is eight years after the notification u/s 4 and Exh. 44, which is of a small area of the land. The said sale deed is dtd. 7/1/1977, which shows the consideration as Rs. 10,000/- for one acre. The said sale deed is for 20 R land sold for consideration of Rs. 5,000/-. According to the learned AGP, the same cannot be said to be a comparable sale instance. It is of a small area of land.

3. I have considered the record. The said sale deed is of the year 1977 whereas; the notification u/s 4 is of year 1982. If the said sale deed is considered, the valuation would be Rs. 25,000/- per hectare. The Court has awarded Rs. 30,000/- per hectare. The enhanced compensation amount is Rs. 17,700/-. The same is not much. The sale instance relied on is five years prior to the notification u/s 4. The same has been rightly considered.

4. In view of the above, First Appeal is dismissed. No costs

5. In view of disposal of main appeal, nothing is left for consideration in the connected application for stay and same stands disposed of.

[S. V. GANGAPURWALA, J.]

sgp