

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

FIRST APPEAL NO. 470 OF 2003

STATE OF MAHARASHTRA & ANOTHER **APPELLANTS...**

VERSUS

NARAYAN TANGA PATIL **RESPONDENTS..**

ALONG WITH

FIRST APPEAL NO. 471 OF 2003

STATE OF MAHARASHTRA & ANOTHER **APPELLANTS...**

VERSUS

RAMAN UDA PATIL & ANOTHER **RESPONDENTS..**

ALONG WITH

FIRST APPEAL NO. 473 OF 2003

STATE OF MAHARASHTRA & ANOTHER **APPELLANTS...**

VERSUS

RAMAN UDA PATIL & ANOTHER **RESPONDENTS..**

ALONG WITH

FIRST APPEAL NO. 474 OF 2003

STATE OF MAHARASHTRA & ANOTHER **APPELLANTS...**

VERSUS

NARAYAN TANGA PATIL **RESPONDENTS..**

ALONG WITH

FIRST APPEAL NO. 475 OF 2003**STATE OF MAHARASHTRA & ANOTHER APPELLANTS...****VERSUS****JANABA MULCHAND PATIL****RESPONDENTS..**

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In all matters:

Mr. D. R. Korde, AGP for appellant/State
Mr S. U. Choudhari, Advocate for respondent

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CORAM : S. V. GANGAPURWALA, J.**DATE : 16TH SEPTEMBER, 2015.****PER COURT:**

. The present respondents-claimants being dissatisfied with the compensation amount awarded by the Special Land Acquisition Officer, filed application u/s 18 of the Land Acquisition Act for enhancement of compensation. The reference Court partly allowed the said references. Aggrieved thereby, the State has filed the present appeals.

2. The ld. AGP submits that, the reference Court has awarded exorbitant compensation amount. The sale deed Exh. A-27 dt. 6th February, 1984 relied by the reference Court cannot be said to be a comparable sale instance. It was not an adjacent land to the acquired land. The contents of the said sale deed are not proved. According to ld. AGP, there is nothing on record to show that the said transaction Exh. A-27 is a genuine one. The quality of the land under the acquisition and the land under the said sale deed is also not compared. The Special Land Acquisition Officer, after considering all the relevant aspects of the matter, had rightly awarded the compensation amount.

3. With the assistance of the learned AGP, I have gone through the judgment so also the Record and Proceedings.

4. The Id. Judge has discussed that the land in L.A.R. Nos. 116 of 1993 and 118 of 1993 are Bagayat lands. He has considered 7/12 extract as well as evidence and came to the conclusion that the lands in other references are as Jirayat lands. The evidence with regard to the sale deed is also considered by the learned Judge. The said sale deed is prior to the date of notification u/s 4 of the Land Acquisition Act. The land under the said sale deed Exh.A-27 was a Jirayat land. The reference Court has awarded the compensation amount as per the valuation of the land under sale deed. For the Jirayat land, the reference Court has awarded Rs. 833/- per R and for Bagayat land, it has awarded Rs. 1666/- per R i.e. double the rate of Jirayat land. The reference Court has discussed the evidence in detail about the superior quality of the acquired land than that of the land under the sale deed. The Court has considered the proximity of the situation of the land so also there is no evidence to show that the said sale transaction is not a *bona fide* sale transaction. The reference Court has passed the award. Even the amount enhanced is from Rs. 5,000/- to Rs. 10,000/- only.

5. Considering the above, the First Appeals are dismissed. No costs.

[S. V. GANGAPURWALA, J.]

sgp