

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

**FIRST APPEAL NO. 896 OF 2003
WITH
CROSS OBJECTION ST. NO. 32683 OF 2004**

The State of Maharashtra
Through the Special Land Acquisition
Officer, Jalgaon. .. Appellant

Versus

Ramdas Laxman Teli,
Age : 29 Years, Occu. : Agril.,
R/o Gondkhede, Tq. Jamner,
Dist. Jalgaon. .. Respondent

Shri D. V. Tele, A.G.P. for the Appellant.
Shri L. C. Patil, Advocate for the Respondent.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 30TH SEPTEMBER, 2015.**

ORAL JUDGMENT :-

. The respondent/claimant being dissatisfied with the amount of compensation awarded by the Special Land Acquisition Officer filed reference U/Sec. 18 of the Land Acquisition Act. The Reference Court partly allowed the Reference. Aggrieved thereby the State has filed the present appeal. The cross objection is also filed by the respondent/claimant for enhancement of compensation.

2. Mr. Tele, the learned Assistant Government Pleader submits that, the Reference Court while enhancing compensation amount has relied on the sale instances in respect of land gut No. 367 of

village Paldhi, wherein 65R land was sold for Rs. 34,000/-. According to the learned A. G. P. the land is acquired from Gondkhede village. There is no evidence on record to show that the land under sale instance and acquired land are similarly situated.

3. I have considered the said sale deed. The Reference Court has observed that, the said sale deed is of village Paldhi, which is adjacent village to Gondkhede. The land under sale deed was also jirayat land. The said sale instance is dated 23.03.1983 i. e. almost five years prior to the notification U/Sec. 4 of the Land Acquisition Act. The notification U/Sec. 4 of the L. A. Act is issued on 29.09.1988. The said sale instance would show that land is sold at the rate of Rs. 53,307/- per hectore i. e. at the rate of Rs. 533/- per R. Considering that said land was from different village, even if necessary addition is not made, the compensation awarded can be said to be reasonable. Even for the pot kharab land compensation is awarded at the rate of 50% that of the Jirayat land.

4. Considering the above, the Reference Court has awarded reasonable compensation. As such, first appeal as well as cross objection are disposed of. No costs.

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/Sept. 15