

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

FIRST APPEAL NO. 20 OF 2004

1. The State of Maharashtra.
2. The Special Land Acquisition
Officer, II, Jalgoan. .. Appellants

Versus

Punju Digamal Patil,
Age : 48 Yrs.
Occu. Agri. & Service,
R/o Khachane, Tq. Chopda,
District Jalgaon. .. Respondents

**WITH
FIRST APPEAL NO. 21 OF 2004**

1. The State of Maharashtra.
2. The Special Land Acquisition
Officer, II, Jalgoan. .. Appellants

Versus

Shri Baliram Mahipat Patil,
Age 58 yrs, Occ-Agri.
R/o Khachane, Tq. Chopda,
District Jalgaon. .. Respondents

Shri D. V. Tele, A.G.P. for Appellants/State in both matters.
Shri Anudeep Sonar, Advocate h/f Shri V. B. Patil, Advocate for
the Respondent in both matters.

CORAM : S. V. GANGAPURWALA, J.

DATE : 30TH SEPTEMBER, 2015.

ORAL JUDGMENT :-

. Being dissatisfied with the amount of compensation awarded by the Special Land Acquisition Officer (for short "S.L.A.O.") the claimants filed references U/Sec. 18 of the Land Acquisition Act (for short "L. A. Act"). The said references are partly allowed. Aggrieved thereby the State has filed present appeals.

2. The learned Assistant Government Pleader submits that, the lands are acquired for Hatnur project. The S. L. A. O. had considered all relevant aspects of the matter while granting compensation amount. However, the Reference Court has exorbitantly enhanced the compensation amount. The sale instance has not been properly construed. The Reference Court ought to have considered that, the sale instance relied and the lands acquired cannot be said to be similarly situated. The lands acquired are from village Jahardi. The sale instance cannot be said to be exemplar sale instance. Exorbitant compensation amount has been awarded by the Reference Court. The learned A. G. P. further submits that, though amount of Rs. 588/- per R for Bagayat land and Rs. 294/- per R for Jirayat land is determined by the Reference Court as market value, it cannot be said to be actual market value.

3. The learned counsel for respondents/claimants supports the judgment and award.

4. I have considered the submissions canvassed by the learned counsel for respective parties. I have also gone through the judgment, so also record and proceedings. While determining the market value of the acquired land the Reference Court has relied on the sale instance in respect of land of the same village. The sale instance in respect of land gut No. 845 of village Chanhardi executed on 21.05.1984 has been considered. The land under sale instance has been considered as irrigated land by the Reference Court. Vide the said sale deed 17R land was sold for Rs. 10,000/- considering the same to be Bagayat land the compensation amount has been fixed. The notification U/Sec. 4 of the L. A. Act is dated 05.03.1987. The sale instance is dated 21.05.1984. Even the lands acquired are small areas of lands i. e. 10R, 29R, etc. The Reference Court has properly considered the sale instance in respect of land of the same village as that of acquired lands. The Reference Court has properly awarded the compensation amount considering the lands as Jirayat and Bagayat.

5. In the light of that, appeals are dismissed. No costs.

Sd/-

[S. V. GANGAPURWALA, J.]