

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

FIRST APPEAL (STAMP) NO. 17912 OF 2013
WITH CA/9741/2013 IN FAST/17912/2013

THE STATE OF MAHARASHTRA
VERSUS
SHAHU SHANKAR KHANDARE AND OTHERS

...
Advocate for Appellant : Mr. D. R. Korde.
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CORAM : **N. W. SAMBRE, J.**
DATE : 01st August, 2015.

Per Court:

1 The enhancement of Rs.3,000/- per Are is questioned in the present appeal at the behest of the State Government.

2 The learned AGP has urged that the enhancement is exorbitant.

3 Section 4 notification was issued on 10th April, 2008 and the award was declared on 25th February, 2009.

4 The land in question was acquired for the purpose of irrigation and the claimant in support of his claim has examined himself at Exhibit – 12 and has placed on record copy of award at Exhibit – 16 and award statement 'E' at Exhibit – 17, the 7/12 extract at Exhibit – 18 and certified copy of sale-deed dated 29th September, 2007 at Exhibit – 19.

The Reference Court has appreciated the same in the background of Section 4 notification. The Reference Court has considered that the compensation awarded at the rate of Rs.1260/- per Are was inadequate and enhanced the same by Rs.3,000/- per Are. The enhancement is based on sale instance at Exhibit – 19. The Reference Court has analyzed the said sale instance in accordance with the mandate of the Supreme Court by applying common sense and guess work.

5 In my opinion, the enhancement granted, is not exorbitant. No case for interference is made out. The appeal fails. The appeal stands dismissed.

6 In view of dismissal of first appeal, pending civil application for stay does not survive and the same stands disposed of.

[N. W. SAMBRE, J.]

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