

WITH THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

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973 FIRST APPEAL ST NO.21162/2015
WITH CIVIL APPLICATION NO.10131 OF 2015
WITH FAST/21367/2015 WITH CA 10133/2015

WITH CA/10135/2015 WITH FAST/21399/2015

WITH CA/10137/2015 WITH FAST/21340/2015

WITH CA/10139/2015 WITH FAST/21358/2015

WITH CA/10142/2015 WITH FAST/21371/2015

WITH CA/10144/2015 WITH FAST/21378/2015
WITH CA/10146/2015 WITH FAST/21328/2015

WITH CA/10149/2015 WITH FAST/21322/2015

WITH CA/10152/2015 WITH FAST/21325/2015

WITH CA/10154/2015 WITH FAST/21393/2015

WITH CA/10156/2015 WITH FAST/21334/2015

WITH CA/10158/2015 WITH FAST/21381/2015

WITH CA/10160/2015 WITH FAST/21389/2015

WITH CA/10162/2015 WITH FAST/21331/2015
WITH CA/10164/2015 WITH FAST/21350/2015

WITH CA/10166/2015 WITH FAST/21364/2015

WITH CA/10168/2015 WITH FAST/21316/2015

WITH CA/10170/2015 WITH FAST/21396/2015

WITH CA/10172/2015 WITH FAST/21375/2015

WITH CA/10174/2015 WITH FAST/21288/2015

WITH CA/10176/2015 WITH FAST/21319/2015

WITH CA/10178/2015 WITH FAST/21297/2015

WITH CA/10180/2015 WITH FAST/21307/2015
 WITH CA/10182/2015 WITH FAST/21300/2015
 WITH CA/10184/2015 WITH FAST/21310/2015
 WITH CA/10186/2015 WITH FAST/21354/2015
 WITH CA/10188/2015 WITH FAST/21385/2015
 WITH CA/10190/2015 WITH FAST/21285/2015
 WITH CA/10192/2015 WITH FAST/21291/2015
 WITH CA/10194/2015 WITH FAST/21337/2015
 WITH CA/10196/2015 WITH FAST/21313/2015
 WITH CA/10198/2015 WITH FAST/21344/2015
 WITH CA/10200/2015 WITH FAST/21294/2015

THE STATE OF MAHARASHTRA
 VERSUS
 MAHADEO GANGARAM BADE AND OTHERS

...
 AGP for Applicant : Mr. B. V. Viradhe

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CORAM : S. V. GANGAPURWALA, J.

DATE : 9th October, 2015

PER COURT :

1. Learned AGP submits that the Special Land Acquisition Officer, after considering all the relevant aspects of the matter had rightly granted the compensation amount. The reference court, without any rational basis, has enhanced the compensation amount. According to the learned AGP, the reference court has

failed to discuss the evidence on record in its correct perspective. According to the learned AGP, the Special Land Acquisition Officer had awarded compensation @ Rs.46/- per square meter.

2. I have considered the judgment.

3. Enhancement granted in these matters are only Rs.900 to 3000 in maximum matters except one or two matters, where enhancement is to the extent of Rs.5000/- and Rs.9000/-. The reference court has observed that even seven years prior to the present award being passed, the SLAO had awarded compensation @ Rs.89/- per square meter i.e. in the year 1997 and in the present matters, the amount awarded is @ Rs.46/- per square meter. The reference court has rightly considered that the award ought to have been passed at least @ Rs.100 per square meter.

4. The reference court has considered the evidence of Dagdu and construction of the dam. It has also observed that stone mine is situated in village Shirur. The court has considered the evidence on record so also the evidence of experts, nature of the houses and the DSR rate. The amount enhanced in each matter to

each claimant is ranging from 900/- to Rs.3000/-.

5. Considering the aforesaid aspects, it is clear that the reference court has considered all the relevant aspects of the matter. The properties acquired are only about 50 to 90 square meters.

6. Considering the above, no case for interference is made out. The appeals are dismissed. However with no order as to costs.

7. In view of the dismissal of the appeals, civil applications also stand disposed of.

(S. V. GANGAPURWALA, J.)

JPC