

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

FIRST APPEAL NO. 74 OF 2015
WITH
CIVIL APPLICATION NO. 13661 OF 2010

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
UTTAM S/O SAKHARAM PAWAR

...

AGP for Appellants / Applicants / State : Mr.G.R.Ingole.

Advocate for Respondent : Mr. Jadhav N. L.

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CORAM : **N. W. SAMBRE, J.**

DATE : 04th August, 2015.

Per Court:

1 Heard learned A.G.P. for the appellants and learned Counsel for the respondent.

2 The enhancement is questioned on the ground of exorbitant, as according to the appellant, sale instance is taken into account has no relevance with the land under acquisition.

3 With the assistance of learned A.G.P., I have perused the judgment delivered by the Reference Court. The reference Court, upon analyzing the evidence, has given finding that the sale instance at Exhibit-27 is genuine one, which pertains to the land in the vicinity of land covered under acquisition. The reference Court has reduced the value by 30% and then considered the difference between Notification

under section 4 of the Land Acquisition Act and the date of sale deed and fixed the value of land acquired as Rs.342/- per Are. The enhancement is granted after considering the sale instance and after appreciation of evidence about distance between the acquired land and one covered under sale instance. No illegality is noticed. The appeal fails, same stands dismissed. Consequently, civil application stands disposed of.

[N. W. SAMBRE, J.]

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