

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

FIRST APPEAL NO. 80 OF 2015

The State of Maharashtra and others .. Appellants

Versus

Kisan S/o Deorao Pawar .. Respondent

Shri D. V. Tele, A.G.P. for Appellants/State.

Shri N. L. Jadhav, Advocate for the Respondent.

CORAM : S. V. GANGAPURWALA, J.

DATE : 07TH SEPTEMBER, 2015.

PER COURT :

. The learned Assistant Government Pleader submits that, the Reference Court while enhancing the compensation amount has not considered the fact that, sale deeds relied by the claimants were in respect of different land that is village Mohkhed, which is at the distance of two and half kilometers from the acquired land. The learned A. G. P. submits that, there was no evidence to show that the land acquired had higher market value than awarded by the Special Land Acquisition Officer. The learned A. G. P. further submits that, apart from Exhibit 23, there was no other evidence on record. Even the Court has increased the compensation by 14% of the said sale instance.

2. Mr. Jadhav, the learned counsel for the respondent submits that, there was no contra evidence produced by the appellant. The Reference Court had considered the relevancy of the said sale deed and has rightly come to the conclusion.

3. I have gone through the judgment delivered by the Reference Court. The area under acquisition is 32R. The Reference Court has valued the said land at Rs. 10,994/-. The S. L. A. O. had awarded amount of Rs. 5,292/-. The enhancement is hardly Rs. 5,000/-. A small area of land is acquired and enhancement is also meager amount. The sale deed has been considered by the Reference Court in correct perspective. Considering the fact that, sale instance has been considered by the Reference Court and enhancement is paltry sum, I am not inclined to entertain the appeal. The first appeal is disposed of. No costs.

[S. V. GANGAPURWALA, J.]