

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

FAST/25652/2013 WITH CIVIL APPLICATION NO. 12996 OF 2013
WITH
FAST/25674/2013 WITH CIVIL APPLICATION NO. 12998 OF 2013
WITH
FAST/25671/2013 WITH CIVIL APPLICATION NO. 13000 OF 2013
WITH
FAST/14211/2013 WITH CIVIL APPLICATION NO. 9715 OF 2013
WITH
FAST/14235/2013 WITH CIVIL APPLICATION NO. 9717 OF 2013
WITH
FAST/14232/2013 WITH CIVIL APPLICATION NO. 9719 OF 2013

THE STATE OF MAHARASHTRA AD ANOTHER
VERSUS
JAYDRATH SHRIPATI KHAKAL AD ANOTHER

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Mr D. V. Tele, AGP for applicants/State
Mr C. K. Shinde, Advocate for respondents No. 1 and 2

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CORAM : **S. V. GANGAPURWALA, J.**
DATE : **11TH SEPTEMBER, 2015.**

PER COURT:

. Learned AGP submits that, the reference Court has granted exorbitant compensation amount at the rate of Rs. 1500/- per R., whereas; the Special Land Acquisition Officer has granted compensation at the rate of Rs. 360/- to 440/- per R. According to the learned AGP, Exh. 20 could not have been said to be a comparable sale instance. The learned AGP further submits that, the said sale instance is in respect of the irrigated land whereas the land under the reference is semi irrigated land. According to the learned AGP, the judgment dt. 17.07.2015 passed by this Court in First Appeal No. 1070 of 2015 with connected matters, would not be relevant as the date of notification u/s 4 is different.

2. Mr Shinde, learned Counsel for respondents submits that, the date of notification u/s 4 in First Appeal No. 1070 of 2015 with connected matters, decided by this Court on 17.07.2015, is the same as in the present matter.

3. I have considered the submissions. I have gone through the judgment delivered by this Court in First Appeal No. 1070 of 2015 with connected matters on 17.07.2015 so also I have considered the judgment delivered by the reference Court in the present matter. In the present appeals also, the land is acquired for the purpose of percolation tank in Ambhora village, the notification u/s 4 is dt. 4/9/2003. In the appeals before this Court bearing First Appeal No. 1070 of 2015 with connected matters, the date of notification u/s 4 is dt. 16/2/2003. In fact, the lands in the present appeals and the above referred appeals are acquired for the same project and from the same village, wherein this Court has confirmed the compensation amount at Rs. 1500/- per R.

4. I have gone through the judgment of the reference Court. The reference Court has discarded the sale instances Exh. 18 and 19 on the ground that the same is situated on Nagar-Beed road. The reference Court has only considered the Exh. 20 which is also 7 years prior to the notification u/s 4. The deduction is made from the sale consideration of almost 45%.

5. Considering the above, the reference Court has arrived at a just conclusion. In light of that, the First Appeals are dismissed.

6. In view of disposal of main appeals, nothing survives for consideration in the connected applications for stay and same stand disposed of.

[S. V. GANGAPURWALA, J.]

sgp