

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

FIRST APPEAL STAMP NO. 25964 OF 2011

The State of Maharashtra through
Collector Latur

.. Appellant

Versus

Chaya Narayanrao Gutte

.. Respondent

Shri P. N. Kutti, A.G.P. for the Appellant.

Shri V. G. Sakolkar, Advocate for the Respondent.

WITH

FIRST APPEAL STAMP NO. 26010 OF 2011

FIRST APPEAL STAMP NO. 25990 OF 2011

FIRST APPEAL STAMP NO. 25998 OF 2011

FIRST APPEAL STAMP NO. 25977 OF 2011

FIRST APPEAL STAMP NO. 25981 OF 2011

FIRST APPEAL STAMP NO. 25984 OF 2011

FIRST APPEAL STAMP NO. 26006 OF 2011

FIRST APPEAL STAMP NO. 26002 OF 2011

FIRST APPEAL STAMP NO. 25994 OF 2011

FIRST APPEAL STAMP NO. 25987 OF 2011

CORAM : S. V. GANGAPURWALA, J.

DATE : 23RD OCTOBER, 2015.

PER COURT :

. Mr. Sakolkar, the learned counsel for respondent/claimant submits that, some of the appeals in respect of the same acquisition proceedings filed by the State against the judgment and award passed in other references have been dismissed by the Court. The Acquisition proceedings in the said references were

in respect of the same notification and acquisition in respect of the same village.

2. I have considered the judgment passed by this Court in First Appeal Stamp No. 19710 of 2012 vide order dated 27th July, 2015. So also, I have perused the judgment and award passed by the Reference Court.

3. Mr. Kutti, the learned Assistant Government Pleader submits that, the notification under Section 4 of the Land Acquisition Act is issued on 24.11.1998 and the possession is taken by private negotiations on 17.03.1998. According to the learned A. G. P. the Reference Court has not considered the fact that the sale instances relied are not in respect of the similarly situated lands. According to the learned A. G. P. the Reference Court ought to have considered as to whether the lands under the sale instances and the acquired lands are similarly situated. The potentiality of the lands acquired and the topography has not been considered in its correct perspective. According to the learned A. G. P. the Special Land Acquisition Officer after considering all the relevant aspects of the matter has granted reasonable amount of compensation. The same requires no interference, still the Reference Court has exorbitantly enhanced the compensation amount.

4. Mr. Sakolkar, the learned counsel supports the order

passed by the Reference Court.

5. I have considered the submissions. There were two sale deeds submitted by the claimants. The same were in respect of the adjoining village. Even the sale deeds are in respect of the same village and one of the sale deed is in respect of the part of the acquired land. Naturally, the same would be relevant consideration. Even though the sale deeds are in respect of the part of the land, which have been acquired the said valuation has not been accepted as it is. The deductions are made in the said valuation by the Reference Court. The sale deed is valued at Rs. 2,53,866/-. The Court deducted $\frac{1}{4}$ of the amount from the same and awarded compensation amount. The Court has not granted exorbitant compensation amount.

6. Moreover this Court in another appeals filed by the State in respect of another reference decided by the Reference Court in respect of the same acquisition has affirmed the compensation granted by the Reference Court.

7. In light of the above the first appeals are dismissed, however with no orders as to costs.

[S. V. GANGAPURWALA, J.]