

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

FIRST APPEAL STAMP NO.:26183 OF 2013

WITH

CIVIL APPLICATION NO.:14417 OF 2013

The State Of Maharashtra And Another
VERSUS
Pralhad Krishnath Tarate

ALONGWITH

FIRST APPEAL STAMP NO.:26319 OF 2013

WITH

CIVIL APPLICATION NO.:14419 OF 2013

The State Of Maharashtra And Another
VERSUS
Nandabai Baban Tarate

AND

FIRST APPEAL STAMP NO.:26325 OF 2013

WITH

CIVIL APPLICATION NO.:14421 OF 2013

The State Of Maharashtra And Another
VERSUS
Pralhad Krishnath Tarate And Others

Mr. D.R.Korde, A.G.P. for the Appellant / Applicants.

Mr. C.K.Shinde, Advocate for Respondents.

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

DATE : 01st August, 2015.

Per Court:

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Heard.

2 The Reference Court has awarded enhanced compensation for the land, which was acquired for irrigation purpose by judgment and award dated 2nd November, 2011, enhancing the compensation to Rs.2,500/- per Are as against the compensation awarded by the SLAO at the rate of Rs.415/- per Are.

3 Section 4 notification in the matter was issued on 7th July, 2005.

4 The enhancement was granted by the Reference Court based on the sale instances at Exhibits – 17 and 18, which are though for small piece of land, but by the same, the lands were sold at the rate of Rs.5333 /- per Are and Rs.6,000/- per Are. The Reference Court then proceeded to evaluate the location of the present land as that of land covered under the sale transaction at Exhibits – 17 and 18. The Reference Court then noticed that the SLAO has not considered the said transaction, which was for Rs.5333/- per Are and as such having regard to the status of land in question as that of seasonally irrigated land has proceeded to order enhancement.

5 The submission of the learned AGP that exorbitant compensation is awarded, does not appear to be correct as enhancement is based on sale instances, some guess work. Hence, appeal fails, stands dismissed.

6 In view of dismissal of first appeal, pending civil application
for stay does not survive and the same stands disposed of.

[N. W. SAMBRE, J.]

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