

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

FAST/25675/2014 WITH CA/13205/2014 IN FAST/25675/2014
WITH FAST/25694/2014 WITH CA/13207/2014 IN
FAST/25694/2014 WITH FAST/25697/2014 WITH CA/13209/2014
IN FAST/25697/2014 WITH FAST/25700/2014 WITH
CA/13211/2014 IN FAST/25700/2014

THE STATE OF MAHARASHTRA

VERSUS

LIMBRAJ HANMANTRAO SHELKE AND ANOTHER

...

AGP for Applicant : Mr. S. M. Ganachari
Advocate for Respondents 1 and 2: Mr. Manale Satish S

CORAM : S. V. GANGAPURWALA, J.

DATE : 9th October, 2015

PER COURT :

1. Learned AGP submits that the Reference Court has awarded exorbitant compensation @ Rs.40,000/- per acre. The Special Land Acquisition Officer has awarded compensation @ Rs.8,000/- per acre. According to the learned AGP, no evidence has been considered while awarding enhanced compensation amount.

2. Mr. Manale, the learned counsel for the respondents/claimants submits that the Court, while awarding compensation amount, has considered the earlier judgment and award passed in earlier References i.e. LAR 1257/92 and LAR 1263/1992. The State has

acquiescenced, now the judgment and award in the said references had become final. Same amount of compensation has been awarded in the present references.

3. Considering the fact that earlier lands were acquired from the same village and the court has already held the market value of the land @ Rs.40,000/- per acre in the earlier references and the same is not assailed by the State, on the basis of parity also at least the same compensation amount is required to be awarded. The amount of enhancement is also not much. It is in between Rs.21,000/- to 31,000/-.

4. In the light of above, the first appeals are dismissed. No costs.

5. In view of dismissal of the first appeals, the civil applications also stand disposed of.

(S. V. GANGAPURWALA, J.)

JPC