

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

FIRST APPEAL ST NO. 31654 OF 2014

The State of Maharashtra And Anr.

... Applicants

VERSUS

Baswaraj Sangappa Bhuppa & Ors.

... Respondents

.....

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

.....

ALONG WITH

FIRST APPEAL ST NO. 31715 OF 2014

FIRST APPEAL ST NO. 31703 OF 2014

FIRST APPEAL ST NO. 31712 OF 2014

FIRST APPEAL ST NO. 31709 OF 2014

FIRST APPEAL ST NO. 31706 OF 2014

FIRST APPEAL ST NO. 31697 OF 2014

FIRST APPEAL ST NO. 31700 OF 2014

CORAM : **S. V. GANGAPURWALA, J.**

DATE : **3RD SEPTEMBER, 2015.**

PER COURT:

Mr Sangle, learned AGP submits that, the Special Land Acquisition Officer had awarded compensation @ Rs. 240/- per R. The reference Court exorbitantly enhanced the same to Rs. 900/- per R. He submits that, there was no evidence on record in respect of similarly situated land. The sale deed at Exh. 16 relied by the reference Court is in respect of another village and as such, the same could not have been said to be of a similar land. According to the learned AGP, the Special Land Acquisition Officer, after considering all the relevant aspects of the

matter, had rightly awarded the compensation amount. There was no ground to enhance the amount of compensation.

2. Mr Rodge and Mr Manale, the learned Counsel appearing on behalf of the respective claimants submit that, the sale deed at Exh. 16 is in respect of a land situated in adjoining village. The sale consideration of the said land under the sale deed at Exh. 16 is Rs. 1415/- per R that too of a Jirayat land. The sale deed is dt. 1/10/1990 and notification u/s 4 is dt. 29/7/1993. The Court has not awarded the same rate. Although the Court ought to have enhanced the said rate by adding 10% each year, no enhancement is granted for well and trees.

3. I have considered the submissions canvassed by the learned Counsel for the respective parties and also gone through the evidence as is provided by the learned Counsel for the claimants.

4. The Special Land Acquisition Officer has granted compensation for well and trees also but, the reference Court has not granted any enhanced amount of compensation for well and trees. The enhancement is granted only for land. The sale deed Exh. 16 is of an adjoining village, the same is used as a comparable sale deed. However,

the same amount is not awarded. Though the sale deed is prior to three years of notification u/s 4 and as per the said sale deed the land is sold @ Rs. 1415 per R, the reference Court has made necessary deductions and awarded compensation @ Rs. 900/- per R only. It would also be seen that the lands which are acquired are Bagayat lands. Considering all these aspects of the matter, the reference court has awarded a modest amount of compensation.

5. In light of the above, the First Appeals are dismissed with no order as to costs.

[S. V. GANGAPURWALA, J.]

sgp