

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

WRIT PETITION NO. 2668 OF 2016

Raviraj s/o Shivajirao Patil and another ... Petitioners

Versus

State of Maharashtra and another ... Respondents

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Mr. Mahesh S. Deshmukh, Advocate for petitioners

Mr. V. G. Shelke, Assistant Government Pleader for respondent No.1

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 10th MARCH, 2016

ORDER :

1. Heard learned counsel for petitioners and learned Assistant Government Pleader for respondent No.1.

2. The petition has been purportedly moved, aggrieved by an order with reference to Section 165 of Indian Evidence Act, 1872, directing the petitioners to produce a certified copy of sale-deed in respect of *Gut* No.12 of village Digras, taluka Rahuri, district Ahmednagar.

3. Learned counsel Mr. Deshmukh appearing for petitioners submits that having regard to the award, whereunder an amount of Rs. 3,38,000/- per hectare had been granted whereas the sale-deed which is directed to be produced under the impugned order of reference court the amount per hectare is around Rs. 2,50,000/-.

In the circumstances, he apprehends by taking into account said sale-deed, the awarded amount of Rs. 3,38,000/- per hectare, may be reduced by reference court and as such seeks stay.

4. Learned Assistant Government Pleader, however, submits that said apprehension is misplaced. He refers to Section 25 of the Land Acquisition Act, 1894 which reads as under;

25 Amount of compensation awarded by Court not to be lower than the amount awarded by the Collector:- The amount of compensation awarded by the Court shall not be less than the amount awarded by the Collector under section 11.

5. In the circumstances, the apprehension expressed is not tenable. The proceedings are at the stage of evidence. As such, I do not think that this is a case fit for exercising discretion against the impugned order. It is open for the petitioners to take up such contentions as are available on facts and in law.

6. Needless to refer to that the court will have to decide upon the reference having regard to the provisions of law.

7. Writ petition, as such, is not being entertained and stands rejected.

(SUNIL P. DESHMUKH, J.)

sms