IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

FIRST APPEAL NO. 718 OF 2005
WITH
CIVIL APPLICATION NO. 8298 OF 2005

1. The State of Maharashtra,

2. Special Land Acquisition Officer,
No. 15, Ahmednagar.

3. The Superintendent of Police,l
S.P. Office, Ahmednagar. **....Appellants.**
(Ori. Respondents)

Versus

Maharashtra State Farming Corpn. Ltd.,
(A Government of Maharashtra
undertaking), Having its Registered Office
at Sr. No. 270, Bhamburda, Senapati Bapat
Marg, Pune 411 016. **....Respondent.**
(Ori. Claimant)

Mr. C.V. Dharurkar, AGP for appellants.

CORAM : T.V. NALAWADE, J.
DATED : 25th February, 2016.

JUDGMENT :

1) The appeal is filed by the Government against the Judgment and award of Reference Court of Kopargaon, Civil Judge, Senior Division given in LAR No. 1/1990. Both the sides are heard.

2) The land of present respondent, original claimant from Gat No. 80 situated at Laxmiwadi, village Nimgaon Korhale, Tahsil Kopargaon, District Ahmednagar was acquired for a corporation of the State Government. Total area of land Gat No. 80 was 5 Hector 68 R. and portion of 1 Hector 62 R. is acquired for the purpose of using it for non agricultural purpose. Notification u/s.4 of the Land Acquisition Act was published in official gazette on 30.4.1987 and the Land Acquisition Officer prepared the award on 1.8.1988. The possession was taken prior to the date of award. The Special Land Acquisition Officer gave the total compensation of Rs. 10,500/- for the area of 1 Hector 34 R. and he gave total compensation of Rs. 200/- for remaining 28 R. portion, which was Potkharab portion. Thus, the rate of around Rs.78/- was given in respect of 1 Hector 34 R. and the rate of Rs. 17.14 was given per R. for Potkharab portion. The claimant had demanded the rate of Rs. 57,555/- per Hector. This rate is given by the Reference Court on the basis of sale deeds proved before the Reference Court by the claimant.

3) The sale instance at Exh. 45 shows that 21 R. portion was sold for the consideration of Rs. 84,000/- in the year 1985 from the same village. Thus, the land was sold at the rate of Rs. 4,000/- per R. The land revenue of land acquired was half of the

land revenue of the land shown in the sale instance. There was not much difference in other factors. Under sale deed at Exh. 46, land admeasuring 4 Hectors 97 R. was purchased for the consideration of Rs. 3.61 lakh by Society Sai Sansthan Temple Trust in the year 1985. The lands shown in Exhs. 45 to 47 are adjacent to the acquired land.

4) The land shown in Exh. 45 was irrigated land, having facility of canal water and this land is considered as comparable sale instance. The Special Land Acquisition Officer had fixed the market price on the basis of land revenue and it is already observed that the land revenue of the land acquired was half of the land revenue fixed for land shown in Exh. 45. Thus, the value shown in the sale instance was around Rs. 4,00,000/- per Hector and even if, it is presumed that the price can be reduced by 50% in view of the land revenue and it can be reduced by 50% due to irrigation facility to sale instance land. It can be said that the rate of Rs. 1,00,000/- per Hector could have been given. In view of these circumstances, the Reference Court has awarded the compensation which was claimed by the owner. Compensation at higher rate could have been easily given. Due to these circumstances, it is not possible to interfere in the decision of the Reference Court.

5) In the result, the appeal stands dismissed. Civil Application stand disposed of.

[T.V. NALAWADE, J.]

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