

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

FIRST APPEAL NO. 1077 OF 2003

The State of Maharashtra

.... APPELLANT/
[ORI. RESPONDENT]

V E R S U S

Govinda s/o Parbhat Pagar

Age : 46 Yrs., Occ. Agril.,

R/o : Golwadi, Tq. Vaijapur,

Dist.: Aurangabad.

.... RESPONDENT/
[ORI. CLAIMANT]

.....

Mr. A.R.Borulkar, A.G.P. for Appellant - State.

Mr. A.B.Kale, Advocate for the Respondent.

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CORAM : T.V.NALAWADE, J.

DATE OF JUDGMENT : 17th FEBRUARY, 2016

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JUDGMENT :

1. The Appeal is filed by the State Govt. against the Judgment and Award of L.A.R. No. 199/1996, which was pending before the Reference Court, Aurangabad [Civil Judge

(Sr.Division)]. As the rate given by the Special Land Acquisition Officer [for short, 'S.L.A.O.'] is increased by the Reference Court, the State has challenged the decision. Learned counsels for both sides are heard.

2. The S.L.A.O. had held that the land of the claimant was seasonally irrigated land and different rates were given by him in respect of lands from different groups prepared on the basis of land revenue. For 3 Hector portion of the respondent, compensation of ₹ 81,000/- was given by the S.L.A.O. Before Reference Court, the respondent contended that the land was perennially irrigated land as there were wells in the land. The Reference Court considered the sale instance at Exh. 17. Copy of the Judgment delivered in the previous matter by the Reference Court viz. L.A.R. 214/1992 was also produced. In that matter, rate of ₹ 525/- per R. was fixed and so this rate was claimed. In view of the sale instances and the rate given in the previous matter, Reference Court gave the rate of ₹ 525/- per R. This Court sees no reason for interfering in the decision of the Reference Court in view of the material considered by it.

3. In the result, First Appeal No. 1077 of 2003 stands dismissed.

[T.V.NALAWADE, J.]

KNP/F.A. 1077.2003 - [J]