IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL STAMP NO. 4041 OF 2014

The State of Maharashtra

... Appellant
(Orig. Respondent)

VERSUS

1. Namdeo S/o. Rajaram Sanap
   Age: 56 years, Occu. Agril.,
   R/o. Poundul, Tq. Patoda,
   Dist. Beed

2. Bhujang S/o. Namdeo Sanap,
   Age: 34 years,
   Occu.: and R/o. As above

3. Sudam S/o. Namdeo Sanap,
   Age: 36 years,
   Occu. And R/o. As above

4. Shivaji S/o. Manik Bangar,
   Age: 35 years,
   Occu. And R/o. As above.

5. Narayan s/o. Kanhu Parzane,
   Age: 25 years,
   Occu. and R/o. As above

6. Bhaskar s/o. Ashruba Bhasmar,
   Age: 23 years,
   Occu. and R/o. As above.

...Respondents
(Ori. Claimants)

...

Mr. S.P. Sonpawale, AGP for Respondent State
Mr. R.A. Deshmukh, Advocate for Respondent No. 3

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CORAM: P.R.BORA, J.

DATE : August 1st, 2017

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ORAL JUDGMENT:

1 In view of the order passed by this Court while condoning the delay occasioned in filing the present appeal, the present appeal is taken up for final disposal with the consent of learned Counsel appearing for the parties.

2. Learned A.G.P. has assailed the impugned judgment and award on the ground that though the notice was not issued by the private valuer before carrying out valuation of the subject properties, the Tribunal has implicitly relied upon the said valuation and has unreasonably enhanced the amount of compensation.

3. Learned Counsel for the respondent has opposed the submission made on behalf of the State. Learned Counsel submitted that merely because notice was not issued before carrying out the valuation, the entire report of the valuer, without any contrary evidence, therefor cannot be rejected.

4. I have carefully gone through the discussion made in the impugned judgment. The Tribunal has not only relied upon the report of the valuer but has considered other evidence also. It appears to me that the compensation, as has been enhanced by the Reference court, in no way, can be said to be arbitrarily enhanced, or it also cannot be said that the Tribunal has given some unreasonable hike in the amount of compensation. Further, as has been pointed out by the learned Counsel appearing for the original claimants that in similar matters, it was agreed by the State Government in the Lok Adalat held on 18.1.2004, to agree for double of the compensation as awarded by the Special Land Acquisition Officer. Learned counsel invited my attention to paragraph no.20 of the impugned judgment wherein the Reference Court has noted the aforesaid fact. I find it appropriate to reproduce the relevant portion from paragraph no.20, which reads thus:

> "In view of policy adopted in Lok Adalat on 18-01-2004 it can be said that the respondent had given consent to settle the matters by paying compensation double awarded by the SLAO. So, by making necessary deduction at least to the extent of 10%, it is held the claimants are entitled to get enhance market price than paid by the SLAO."

5. In the present matter, the Special Land Acquisition

Officer had offered the compensation for constructed house to the tune of Rs.2,19,988/-. The Reference court has enhanced the said compensation to Rs.4,70,977/-. It is less than double the compensation awarded by the Special Land Acquisition Officer.

6. In view of the above, it does not appear to me that any interference is required in the impugned judgment and award. In the result, the appeal is dismissed, however, without any order as to the costs. Pending Civil Applications, if any, stand disposed of.

(P.R.BORA)
JUDGE

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AGP/4041-14FAST