

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

BENCH AT AURANGABAD.

**FIRST APPEAL NO.3711 OF 2017
WITH
C.A.NO.6315 OF 2016**

The Special Land Acquisition
Officer, Laghu Patbandhare
Vibhag, Jalgaon and
another. ... Appellants.

Versus

Raju Shriram Patil ... Respondent.

...

**WITH
FIRST APPEAL NO.3712 OF 2017
WITH
C.A.NO.6325 OF 2016
WITH
FIRST APPEAL NO.3713 OF 2017
WITH
C.A.NO.6328 OF 2016
WITH
FIRST APPEAL NO.3714 OF 2017
WITH
C.A.NO.6318 OF 2016.
WITH
FIRST APPEAL NO.3731 OF 2017
WITH
C.A.NO.3947 OF 2016
WITH
FIRST APPEAL NO.3732 OF 2017
WITH
C.A.NO.3937 OF 2016
WITH
FIRST APPEAL NO.3733 OF 2017
WITH**

**C.A.NO.3945 OF 2016
WITH
FIRST APPEAL NO.3734 OF 2017
WITH
C.A.NO.3943 OF 2016
WITH
FIRST APPEAL NO.3735 OF 2017
WITH
C.A.NO.3941 OF 2016.**

...

Mr.P.S.Patil, Additional Government Pleader,
Mr.S.S.Dande, A.G.P. for the Appellants.

...

CORAM : S.V.GANGAPURWALA, J.

Date : 18.09.2017.

PER COURT :

1. The claimants had filed Reference U/s 18 of the Land Acquisition Act, being aggrieved by the quantum of the compensation by the SLAO. The Reference Court partly allowed the Reference. Aggrieved thereby, the State has filed the present appeals.

2. Mr.Patil, learned Additional Government Pleader submits that the Reference Court has granted exorbitant compensation amount. The SLAO has granted compensation at the rate of Rs.30,000/- (Rupees thirty thousand) to

Rs.37,000/- (Rupees thirty seven thousand) per hectare. However, the Reference Court enhanced to Rs.1,00,000/- (Rupees one lac per hectare for Jirayat land and Rs.50,000/- (Rupees fifty thousand for Potkharab land. According to the learned Additional Government Pleader, the sale deed relied upon by the Reference Court can not be said to be relevant sale deed. The details of the property under the sale deed is not forthcoming. So also whether the acquired land and the land under sale deed is also not forthcoming. The Court could not have enhanced compensation amount.

3. I have considered the submissions of the learned Additional Government Pleader and also gone through the judgment.

4. The acquired land appears from Mouje Shevale Tq.Parola. The date of Section 4 notification is 11.3.1998. The Reference Court has relied the sale deed dated 2.1.1997, wherein 24 Ares land from the same village i.e. Shevale is sold for Rs.20,000/- (Rupees twenty thousand)

one year prior to the notification U/s 4 of the Land Acquisition Act. If we add 10% increase, the same would come to Rs.40,000/- (Rupees forty thousand) per acre. The Reference Court has awarded compensation at the rate of Rs.40,000/- (Rupees forty thousand per acre. The Reference Court has also observed that the claimants have cultivated cotton, Jawar, Banana, sugarcane, Tur in the said land. The sugarcane and Banana crops can be taken from Bagayat land. The Court has also considered the situation of the lands. No enhanced compensation is awarded for Bor and Mango trees.

5. Considering above, the Reference Court has not awarded compensation at exorbitant rate. The First Appeals are dismissed.

6. In view of disposal of First Appeals, the Civil Applications stand disposed of.

(S.V.GANGAPURWALA, J.)

asp/office/Fa3711.17

