

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

905 FIRST APPEAL NO. 60 OF 2017
WITH CA/5355/2011 IN FA/60/2017

THE STATE OF MAH, THR COLLECTOR LATUR AND ANR
VERSUS
TUKARAM JALABA IPPAR

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A.G.P.for Appellants : Mr. A. M. Phule,
Advocate for Respondent: Mr.Sakolkar V G

CORAM : K. L. WADANE, J.

DATE : 1st September, 2017

ORDER:

1. By consent of the parties, the appeal is taken for final hearing at the admission stage.

2. Heard Mr. Phule, the learned AGP for the appellants and Mr. Sakolkar, the learned counsel for the respondent.

3. The appellants, aggrieved by the Judgment and Award dated 05.04.2010 passed by the learned Joint Civil Judge, senior Division, Ahmedpur in L.A.R. No. 630/2006, have preferred this appeal.

4. The Special Land Acquisition Officer has issued Notification under section 4 of the Land Acquisition and the same was published on 1st August, 2003 and subsequently, award has been passed on 20.12.2005. Land of respondent/claimant bearing Gat No.212, admeasuring

20 R was acquired for public purpose i.e. for pecculation tank No.3- at village Nagzari. The Land Acquisition Officer has awarded compensation at Rs.66600/- per Hectare. Being aggrieved with the same, the claimant preferred Reference under Section 18 of the Land Acquisition Act. After considering the evidence on record, the reference Court has awarded the compensation at the rate of Rs.1,90,000/- per Hectare. Being aggrieved with the same the appellants have presented this appeal.

5. Mr. Phule, the learned AGP appearing for the appellants submits that the Sale Deed Exh.22 relied by the Reference Court is not relevant to determine the amount of compensation since the said sale deed is of the land from adjacent village. The learned AGP further argued that such sale deed cannot be taken into consideration to determine the of compensation as on the date of notification under section 4 of the Act.

6. I have gone through the relevant observations recored by the Reference Court, particularly in para 19 of the judgment. On perusal of the same, it appears that the learned Reference court has rightly considered

the factors relevant for determining the compensation for land acquisition. Market price of the land under sale deed Exh.22 appears to be @ Rs.5 lakhs per hectare. The Reference court has rightly deducted the amount for small piece of land, having better village road facility and other aspects which are particularly discussed by the Reference Court.

7. In view of the above, the reference court has determined the amount of Compensation @ Rs.1,90,000/- per hectare, which according to me is correct and reasonable. Hence, there is no substance in the appeal. The First appeal is dismissed. No order as to costs.

8. Pending Civil application stands disposed of.

(K. L. WADANE, J.)

JPC