

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

FIRST APPEAL NO. 987 OF 2015

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
WAMAN BABARAO MANE

...
WITH
FA/1079/2015
WITH
FA/1080/2015

...
Advocate for Appellants : Mr A M Phule
Advocate for Respondents : Mr V.V Bhavthankar

...
CORAM : V.K. JADHAV, J.
Dated: June 05, 2017
...

PER COURT :-

1. Heard.
2. These appeals have been preferred by the State Government and the Acquiring Body under Section 54 of the Land Acquisition Act. The land in question was acquired for the purpose of percolation tank No.3 at village Hangarga, Tq. Udgir, District Latur.
3. The learned AGP submits that, the Reference Court has failed to consider that the S.L.A.O. has taken into account all the relevant factors while fixing the amount of compensation of land under acquisition. The learned Judge

aaa/-

of the Reference Court has awarded exorbitant amount of enhanced compensation. The learned Judge of the reference court has not properly appreciated the sale instances and has not taken into consideration the nature, proximity, location, quality, classification and potentiality of the landed property, compared to land under sale instance.

4. The learned counsel for respondent-claimants submits that, Reference Court has rightly considered the evidence on record and awarded just and reasonable compensation at the enhanced rate. Learned counsel for respondents-claimants submits that, this Court has dismissed the First Appeal Nos.1076/2015 and 1078/2015 arising out of the same acquisition proceedings, preferred by the State of Maharashtra and acquiring body, on merits, by common order dated 1.8.2015.

5. Learned AGP has also not disputed this position that the appeal preferred by the State and Acquiring body out of the same award and judgment and order passed by the Reference Court are dismissed by this Court in the aforesaid appeals.

6. In view of the above, and for the reasons recorded in the aforesaid order dated 1.8.2015, there is no reason to take another view. Hence, all these first appeals also stand dismissed.

sd/-
(V.K. JADHAV, J.)

...

aaa/-

aaa/-