

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

BENCH AT AURANGABAD.

FIRST APPEAL NO.3724 OF 2017

The Executive Engineer,
L.M.I.Latur,
Tq. and Dist.Latur. ... Appellant.

Versus

Dagadu Saheb S/o Limbaji
Dhengale and others. ... Respondents.

...

**WITH
FIRST APPEAL NO.3725 OF 2017.**

Mrs.Surekha G. Chincholkar, advocate for the
Appellant.
Mr.S.S.Chillarge, advocate for Respondent No.1
Mr.S.W.Munde, A.G.P.for the State.

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CORAM : S.V.GANGAPURWALA, J.

Date : 18.09.2017.

PER COURT :

1. The claimants being aggrieved by the quantum of compensation awarded by the Land Acquisition Officer, filed Reference U/s 18 of the Land Acquisition Act, before the Reference Court. The Reference Court partly allowed the

Reference. Aggrieved thereby, the acquiring body has filed present appeals.

2. Mrs.Chincholkar, learned counsel for the appellant strenuously contends that the Reference Court has exorbitantly enhanced compensation amount. According to the learned counsel, the SLAO has awarded compensation at the rate of Rs.496/- (Rupees four hundred ninety six only) per hectare after considering the sale transactions. The Reference Court could not have awarded compensation at the rate per sq.ft. The lands were not non-agricultural lands. The learned counsel submits that in other References in respect of same acquisition, the Reference Court has awarded compensation at the rate of Rs.24/- per sq.ft. In the present matters the same is awarded even at a more rate which is illegal.

3. Mr.Chillarge, learned counsel for the Respondents/claimants submits that in respect of adjacent village, nine years back the compensation was awarded at the rate of Rs.33/-

per sq.ft. The land of the claimants is situated on the road side, has a good frontage. The Reference Court in fact, deducted 60% towards development charges. In fact, the deduction ought not to be more than 30%.

4. I have gone through the judgments delivered by the Reference Court, so also the judgment of this Court dated 6.2.2015 in FAST No.33295/14 with connected appeals, wherein this Court confirmed the award passed at Rs.24/- per sq.ft. in respect of same acquisition proceedings. While dismissing the appeal filed by the acquiring body, this Court in the said judgment observed that increase that has been granted by the Reference Court is at a lower side and as such no interference is called for in the instant appeals. It has been observed that in respect of land situated at village Kanheri, Section 4 notification was issued on 4.1.1984 and in Reference filed by the claimants, the Reference Court awarded Rs.33/- per sq.ft. and the award of the Reference Court was upheld by this Court in appeal. In the instant case, the

notification U/s 4 is dated 14.7.1993 i.e. nine and half years later than the notification of the adjacent village Kanheri, still, the Reference Court has awarded compensation at Rs.28/- per sq.ft. The Reference Court has also deducted 60% towards development charges. It appears that the Reference Court has awarded modest compensation amount. As such the appeals are dismissed. No costs.

(S.V.GANGAPURWALA, J.)

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