

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

55 FIRST APPEAL (ST) NO.36097 OF 2016

1. The State of Maharashtra,
Through Collector, Latur
2. The Special Land Acquisition Officer,
Purna Project, Latur.
3. The Executive Engineer,
Irrigation Division, Latur.

.. Appellants
(Orig. Respondents)

VERSUS

Gopinath s/o. Ramchandra Surnar,
Age : 42 years, Occu : Agril,
R/o. Wanjarwadi,
Tal. Udgir, Dist. Latur

.. Respondent

...

AGP for Applicants : Shri. S.M. Ganachari
Advocate for Respondents: Shri. S.V. Gundre

...

WITH
CA/1408/2017 IN FAST/36097/2016

...

CORAM : P.R. BORA, J.
Dated: July 24, 2017

ORAL JUDGMENT :-

. As per the order passed below the application for condonation of delay, with the consent of the learned Counsel appearing for the parties, the appeal is taken up for final hearing.

2. The State has objected the impugned award only on one ground that the Reference Court has determined the market value on the basis of a comparatively small piece of land hailing from a different village. The land was acquired for the Sillegaon project. The SLAO had offered the compensation at the rate of Rs. 22,000/- per Hectare i.e. Rs. 220/- per R. The reference court on the basis of evidence brought before it, determined the market value at the rate of Rs. 1000/- per R and accordingly enhanced the amount of compensation.

3. I have carefully perused the impugned Judgment and Award. The Reference Court has relied upon the sale instance at Exh. 14. The land which was the subject matter of Exh.14 was adm. 77 R and was sold at the consideration of Rs. 1,50,000/- i.e. at the rate of Rs. 1948/- per R. Though the said land was from village Loni, some allowances can be given considering the distance in the acquired land and the said land, however, the said sale instance cannot be kept out of consideration. It is brought to my notice and the evidence on record also suggests that village Loni is not at far distance from village Wanjarwadi. It is further revealed that the reference court has not blindly relied upon the said sale instance. Though the consideration was received at the rate of Rs. 1948/- per R to the said land, while determining the market value

of the land which is the subject matter of the present appeal, the reference court has considered the distinguishing factors and has determined the market value at the rate of Rs. 1000/- per *Are*. It does not appear to me that the power has been arbitrarily exercised by the reference court or the market value as has been determined by the reference court is without any evidence. I therefore do not see any reason to cause any interference in the impugned Judgment and Award so passed. Appeal being devoid of any merit, deserves to be dismissed and is accordingly dismissed, however, without any costs.

4. Pending civil application, if any, stands disposed of.

(P.R. BORA, J.)

ggp