

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

925 FIRST APPEAL NO.344 OF 2005

1. The State of Maharashtra
Through the Special Land Acquisition
Officer, Gaothan, Jalna.
2. The Executive Engineer,
Minor Irrigation, Jalna. ..Appellants

VERSUS

- . Dileep S/o Tukaram Solanke
Age: 30 years, Occu.: Agril.
R/o.Likhit Pimpri,
Taluka, Partur, Dist.Jalna. ..Respondent

...

AGP for Appellants : Mr.A.M.Phule
Advocate for Respondent : Mr.R.K.Shinganapure &
Mr.S.D. Deshpande (absent)

...

CORAM : M.S.SONAK, J.

DATE : 18th January, 2018

ORAL JUDGMENT:-

1) Heard Mr.A.M.Phule learned AGP for the appellants.
The respondent though served neither present nor
represented.

2) Challenge in this appeal is to the Judgment and award dated 31.8.2002 by which the Reference Court has enhanced the compensation from Rs.290/- per Are to Rs.900/- per Are.

3) Mr.A.M.Phule learned AGP submits that the Sale-Deed relied upon by the Reference Court cannot be regarded as comparable instance. He submits that the Sale-Deed was in respect of the land, which was almost 1 and $\frac{1}{2}$ kms. away from the acquired land and there is no proper evidence as regards comparability. In view of this, Mr.A.M.Phule submits that enhancement granted by the Reference Court is not justified.

4) The Reference Court has relied upon the sale instance at Exh.7, by which land ad-measuring 1 hectare 38 Are was sold for Rs.1,75,000/-. This means that it comes to approximately 1,238/- per Are. The Reference Court has placed reliance on other sale instance as well

and came to the conclusion that the market value of the land in or around the acquired land is in the range of Rs.773/- to Rs.975/- per Are. The sale instance in respect of land admeasuring hardly 1 and $\frac{1}{2}$ kms. away and there is substantial evidence on record on the aspect of comparability. Accordingly, it cannot be said that there is any error in the determination of the market value by the Reference Court.

5) Apart from this, the enhanced rate in the present case is well within the limits prescribed in the Government Resolution dated 3.11.2016 as amended from time to time. This Government Resolution relates to the policy of the State Government that it shall not institute or pursue appeals where the enhanced compensation is less than four times of the Ready Reckoner Rate prevalent on the date of the issue of Section 4 Notification.

6) There is no dispute that the rate of Rs.290/- per Are determined by the Land Acquisition Officer corresponds to the Ready Reckoner Rate on the date of issuance of Section 4 Notification. The enhanced rate is therefore, well within the limits prescribed in the Government Resolution dated 3.11.2016.

7) For the aforesaid reasons, this appeal is dismissed.

8) There shall be no order as to costs.

[M.S.SONAK, J.]