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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

FIRST APPEAL NO.773 OF 2005

- 1] The State of Maharashtra,
through the Collector, Jalna.
- 2] The Special Land Acquisition
Officer, Minor Irrigation Works,
Jalna, District Jalna.

...Appellants...
(Orig. Respondents).

Versus

Vijay Sundarrao Lokhande,
Age : 35 year, Occupation :
Agriculture, R/o : House
No.616, Arunoday Colony,
No.5, Aurangabad.

...Respondent...
(Orig. Claimant)

.....

Shri S.P. Deshmukh, AGP for appellants.
None present for respondent though served.

.....

CORAM: M.S. SONAK, J.

DATE: 17.01.2018

ORAL JUDGMENT :

1] Heard learned AGP for the appellants. The
respondent, though served, is neither present nor
represented.

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2] Challenge in this appeal is to the judgment and award dated 28.1.2003 by which the learned Reference Court has enhanced the compensation in respect of acquired lands from Rs.290/- per Are to Rs.900/- per Are.

3] Learned AGP for the appellants submits that the sale deeds, on which the Reference Court has relied upon, do not pertain to lands adjacent to the acquired lands, but rather some of the sale deeds were in respect of lands from adjacent villages. Further, he points out that the sale deeds were in respect of small area and, therefore, were not comparable instances. He points out that the Reference Court has erred in relying upon the awards in LAR Nos.220/1996 and 117/1996 (Exhibits 20 and 21) because the lands, which were subject of the said awards, were not comparable with the lands, which are the subject matter of the present appeal. For all these reasons, the learned AGP submits that the impugned award may be set aside and determination by the LAO be restored.

4] Having considered the submissions of the learned AGP and perused the material on record, there is really no reason to interfere with the impugned award. The

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Reference Court has basically relied upon Exhibits 20 and 21, which are awards in respect of lands situated in the village Padmawati itself. The acquired lands, which form the subject of the present appeal, are also situated in the village Padmawati. In fact, the Reference Court has observed that both the set of lands were acquired for one and the same project and, therefore, there was no reason to adopt any unequal yardstick in the matter of determination of compensation.

5] In the awards at Exhibits 20 and 21, the compensation determined was Rs.900/- per Are. The material on record indicates that the acquired lands were similar to the lands, which were the subject matter of awards at Exhibits 20 and 21. The lands were from the same village and were acquired for the same project. The nature of the lands, including particularly the quality and fertility, was also similar. Since this is the position of the material on record, there is really no reason to interfere with the impugned award.

6] Besides, in this case, it must be noted that the enhanced compensation is less than four times the ready reckoner rates as prevalent at the time of issuance of Section 4 notification. This means that the enhanced

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compensation is well within the limits prescribed in the Government resolution dated 3.11.2016, which records the policy decision of the State Government or its instrumentalities not to pursue the matters of this nature.

7] For the aforesaid reasons, this appeal is dismissed. There shall be no order as to costs.

(M.S. SONAK, J.)