

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

943 FIRST APPEAL NO.113 OF 2003

. The State of Maharashtra
through Special Land Acquisition
Officer, Aurangabad. ..Appellant

VERSUS

Shaikhhlal Nadram Rajput
Deceased – L.R.s

I. Shivsing Shaikhhlal Chhanval
Age: 45 years, Occu.: Agriculture

II. Bharsing Shaikhhlal Chhanval
Age: 42 years, Occu.: Agriculture

Both R/o.Parsoda, Tq.Vaijapur,
Dist.Aurangabad. ..Respondents

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AGP for Appellant : Mr.S.P.Deshmukh
Advocate for Respondent Nos.1 & 2 : Mr.A.B.Kale (absent)

...

WITH

**FA/116/2003 WITH FA/117/2003 WITH FA/123/2003 WITH
FA/124/2003**

...

**CORAM : M.S.SONAK, J.
DATE : 18th January, 2018**

ORAL JUDGMENT-

1) Heard Mr.S.P.Deshmukh learned AGP for the appellant. The respondents though served neither present nor represented.

2) In all these appeals, which are arising out of one and same Notification dated 24.7.1988, the Reference Court has enhanced the compensation from Rs.70,000/- per hectare to Rs.78,000/- per hectare for Bagayat land and from Rs.35,000/- per hectare to Rs.39,000/- per hectare for Jirayat land.

3) From the perusal of the record as well as the impugned award now it is seen that the Reference Court has discussed the reasoning which prompted it to arrive at these rates. In particular, the Reference Court has relied upon the Sale-Deed at Exh.36 dated 3.1.1984, which is from the adjoining village. The Reference Court has also made reference to the Special Land Acquisition

Officer's award in which, the Special Land Acquisition Officer has relied upon the sale instances from adjoining villages in order to determine the rate of compensation. On this basis, the Reference Court has concluded that there can be no bar to taking into consideration the sale instances from adjoining villages particularly because sale instances from the same village are not available. On this basis, the Reference Court has determined the compensation in respect of Jirayat land @ Rs.39,000/- per hectare. Since, some of the lands, which are subject matter of these appeals, are Bagayat lands, the Reference Court has rightly doubled the rate and determined the compensation in respect of Bagayat lands @ Rs.78,000/- per hectare. There is no real case made out to interfere with the determination made by the Reference Court in the impugned award.

4) 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.

5) For the aforesaid reasons, these appeals are liable to be dismissed and hereby dismissed.

6) There shall be no order as to costs.

7) As the appeals are dismissed, the civil applications, if any do not survive and are disposed of.

[M.S.SONAK, J.]