

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

932 FIRST APPEAL NO. 660 OF 2005

1. The State of Maharashtra
through Collector, Nanded.
2. The Sub Divisional Officer and
Land Acquisition Officer, Degloor,
Nanded.
3. The MIDC, a corporate body, per its
Regional Officer, Latur, Regional
Office at Latur. ..Appellants

VERSUS

- . Raghunath s/o Digamberrao Kamtewad
Age: 36 years, Occu.: Agril. & Service,
R/o.Kushnoor, Tq.Biloli, Dist.Nanded. ..Respondent

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AGP for Appellant : Mr.S.P.Deshmukh
Advocate for Respondents : Mr.M.M.Patil (absent)

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

ORAL JUDGMENT:-

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

2) The challenge in this appeal is to the impugned Judgment and award dated 1.10.2003 by which the Reference Court has enhanced the compensation from Rs.42,000/- per hectare to Rs.50,000/- per hectare.

3) Mr.S.P.Deshmukh learned AGP submits that two Sale-Deeds on which reliance has been placed by the Reference Court could not have been regarded as comparable instances. He submits that the rate determined by the Land Acquisition Officer is appropriate and there was no case made out for any enhancement.

4) Upon perusal of the record, it is seen that the Reference Court has relied upon the two sale instances dated 09.01.1991 and 24.04.1991, which reflect the rates of Rs.70,000/- per hectare and Rs.62,500/- per hectare.

5) In this case, Section 4 Notification was issued on 23.12.1993. This means, the sale instances are prior to the issuance of Section 4 Notification. The Reference

Court has made appropriate deductions and therefore, arrived at the figure of Rs.50,000/- per hectare. There is absolutely no infirmity in the determination so made. So, the appeal is therefore, liable to be dismissed.

6) Apart from this, the enhanced rate in the present case is well within the limit 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.

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

[M.S.SONAK, J.]