

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 6 OF 2018

The State of Maharashtra
& another

Appellants

Versus

Janu Santu Surnar

Respondent

WITH
FIRST APPEAL NO. 7 OF 2018

The State of Maharashtra
& another

Appellants

Versus

Hira Lahanu Surnar

Respondent

WITH
FIRST APPEAL NO. 8 OF 2018

The State of Maharashtra
& another

Appellants

Versus

Vithal Dadaba Surnar
& another

Respondents

WITH
FIRST APPEAL NO. 9 OF 2018

The State of Maharashtra
& another

Appellants

Versus

Murlidhar Bhaguji Surnar

Respondent

Mr. B.V. Virdhe, AGP for appellants.

Mr. G.R. Jagtap, advocate holding for Mr. C.K. Shinde, advocate for respondents.

CORAM : M.S. SONAK, J.

DATE : 7th FEBRUARY, 2018

ORAL ORDER :

1. Heard Mr. Virdhe, learned AGP for appellants.
2. Learned AGP fairly points out that, in this case, the rate awarded by the Special Land Acquisition Officer was Rs.436/- per Are which has been enhanced to Rs. 900/-per Are by the reference Court. It means that enhancement in the present case is within the limits prescribed in Government Resolution dated 3rd November, 2011 as amended from time to time in which, a policy decision has been taken not to pursue appeal where enhanced amount is less than four times the Ready Reckoner rate as prevalent on the date of issuance of section 4 notification. Learned AGP further submits that in the absence of specific instructions to withdraw these appeals, he is not in a position to withdraw the same.
3. Learned AGP submits that in this case, neither the vendor nor the vendee were examined in relation to sale-instances at Exh. 20 and 21. He submits that the sale-instances relate to small piece of land and therefore, both these sale instances ought not to have

been relied upon by the reference Court. He submits that there is no evidence as regards comparability.

4. Reference Court, in this case, held that the sale instances at Exh. 20 and 21 are in respect of the adjacent lands and there is ample evidence as regards comparability. Learned AGP submits that the sale-instances are in respect of lands purchased for digging of well and therefore, price in the sale-deed does not reflect the real price. Again, this aspect has been considered by the reference Court. Taking into consideration the provisions under section 51A of the Land Acquisition Act, 1894, it cannot be said that there is any error in the determination of amount by the reference Court. Besides, increase in rate is not merely substantial and therefore, there is no case made out to interfere with the impugned judgment and award. Accordingly, these appeals are dismissed. There shall be no order as to costs.

5. Pending civil application, if any, does not survive and stands disposed of.

(M.S. SONAK, J.)