

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 640 of 2004

1. The State of Maharashtra
2. The Special Land Acquisition Officer, M.I.W. Jalna ...Appellants
(ori. respondents)

versus

Shripatrao s/o Mahipatrao Jadhav
Age major, Oc. Agri.
R/o. Paradh, Tq Bhokardan ...Respondent
District Jalna (Ori. Claimant)

.....
Mrs. D.S. Jape, A.G.P. for the appellants
Mr. R.K. Shringarpure, advocate for respondent
.....

CORAM : S. G. DIGE, J.

**Date of Reserving
the Judgment : 26.08.2022**

**Date of pronouncing
the Judgment : 29.09.2022**

JUDGMENT:-

1. Being aggrieved and dissatisfied with the judgment and award passed by the III Joint Civil Judge, Senior Division, at Jalna (for short "Reference Court") this appeal is preferred by the appellants-original respondents.

2. Brief facts of the case are as under:-

The respondent's-original claimant's land Gat No. 136

admeasuring 1 Hectare and 25 Are was acquired for construction of Masrul project at village Padmawati, Tq. Bhokardan, District Jalna. The S.L.A.O. has awarded compensation of Rs.270/- per Are whereas the reference court has enhanced it Rs.900/- per Are. Against the said judgment and order this appeal is filed.

3. It is the contention of the learned A.G.P. for the appellants that no evidence is produced on record by the respondent-original claimant for enhancement of compensation amount and inspite of that the reference court has relied on sale instance and enhanced the compensation amount, which is improper. Learned A.G.P. for the appellants further submitted that the interest on compensation amount is awarded from the date of possession of the land, however, as per the view expressed by the Full Bench of this Court in the case of ***State of Maharashtra vs. Kailash Shiva Rangari, reported in 2016 (3) Mh.L.J. 457***, it should be from the date of award. Hence, learned A.G.P. for the appellants requested to allow this appeal.

4. It is the contention of learned counsel for respondent that enhanced compensation awarded by the reference court is proper. The respondent-claimant has proved before the reference court that the value of acquired land is more than the compensation awarded by the S.L.A.O. The S.L.A.O. has fixed the price of acquired land without considering the market price. The reference court while enhancing the compensation has considered all aspects. Hence, the

order passed by the Reference Court is legal and valid.

5. I have heard learned counsel for both the parties. I have perused the judgment and award passed by the Reference Court. The Reference Court has enhanced the compensation amount on the basis of sale deeds and also on the basis of the judgment delivered in other Reference Petitions filed by the claimants whose lands are acquired for the same project. I do not find any infirmity in the reasoning given by the reference court. Moreover, the compensation awarded by the reference court falls under four times. Hence, I do not find any merit in the contention of the appellants that the exorbitant compensation is awarded by the reference court.

6. The Reference court has awarded the interest on the enhanced amount from the date of award. In view of above, I to pass the following order:-

O R D E R

- I) The appeal is dismissed.
- II) No order as to costs.

(S. G. DIGE J.)

rlj/