

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

FIRST APPEAL NO.1842 OF 2008

**STATE OF MAHARASHTRA
VERSUS
DAGDU APPA BANDGAR**

...
Mr. S. S. Dande, Advocate for the Appellant.

...

CORAM : S. G. DIGE, J.

DATED : 14th OCTOBER, 2022.

PER COURT:-

1. Being aggrieved and dissatisfied by the judgment and Award passed by the Civil Judge, Senior Division, Latur (for short 'Reference Court') this appeal is preferred by the appellant/orig. Respondent.

2. It is the contention of the learned counsel for the appellant that, the Special Land Acquisition Officer has awarded the compensation of Rs.5000/- per acre, whereas learned Reference Court has enhanced it to Rs.25,000/- per acre, which is excessive. The learned Reference Court has wrongly relied upon sale instance at Exhibit-17 without considering the quality and fertility of the land. The said sale instance was not from the same village. In spite of that, it was considered by the learned Reference Court. Hence, requested to allow the appeal.

3. Though sole respondent private party was served, none appears for sole respondent.

4. I have heard learned A.G.P. for the appellant. Perused the judgment and order passed by the learned Reference Court.

5. The learned Reference Court by common judgment has decided three LARs including LAR challenged in present appeal. The land of respondent was situated at Survey No.5/3 at village Lohata. It was acquired for Lower Terna project by appellant. The Special Land Acquisition Officer has awarded Rs.5000/- per acre compensation, whereas the learned Reference Court has enhanced it to Rs.25,000/- per acre. While enhancing the compensation the learned Reference Court has considered the sale instance which is at Exhibit-17. The learned Reference Court has observed that, the price of the sale under the sale instance was of Rs.26,500/- per acre on 03.10.1988 and on that basis he has determined the price of the land on 01.02.1990 i.e. date of Notification. The learned Reference Court has further observed that, the price of the land increase year by year and on that basis he has considered the price of Rs.25,000/- per acre considering the land of the respondent as dry land. It appears from the record that, the land sold and the acquired land of the respondent are not at far distance. In view of the above, there is no infirmity in the order passed by

the learned Reference Court. I pass the following order:

ORDER

- A. Appeal is dismissed.
- B. No order as to costs.

**(S. G. DIGE)
JUDGE**

Devendra/October-2022