

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
FIRST APPEAL NO.1148 OF 2016
WITH CA/11945/2012 IN FA/1148/2016**

THE STATE OF MAH AND ORS
VERSUS
RAMDAS SUPUDU BHIL, DIED THR. L.R. KAMLIBAI

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

CORAM : S. G. DIGE, J.

DATED : 14th OCTOBER, 2022.

PER COURT:-

1. Being aggrieved and dissatisfied by the judgment and Award passed by the learned Civil Judge, Senior Division, Shahada (for short 'Reference Court') appellant/orig. Respondents preferred this Appeal.

2. It is the contention of the learned counsel for the appellants that, lands of respondent/orig. claimant admeasuring 0.22R was acquired for Kolhapuri Bandhara. The Special Land Acquisition Officer had awarded compensation of Rs.80,000/- per hector, whereas the learned Reference Court has enhanced it at Rs.1,40,000/- per hector, which is excessive. The sale instances on which the learned Reference Court is relied are from different villages. The learned counsel further submits that, additional compensation of Rs.25,000/- has been granted beyond the

jurisdiction and for no reasons. Hence, requested to allow the appeal.

3. Though respondent is served, none appears for the respondent.

4. I have heard learned counsel for the appellants. Perused the judgment and order passed by the learned Reference Court.

5. It is the contention of the learned counsel for the appellants that, excessive compensation is awarded to the respondent/orig. claimant. The Special Land Acquisition Officer has awarded Rs.80,000/- per hector, whereas the learned Reference Court has enhanced it to Rs.1,40,000/- per hector. It is within two times. The learned Reference Court while enhancing the compensation has observed that, the sale instances dated 15.10.1992 and 30.10.1992 were of Rs.2,80,487/- and Rs.2,75,000/- per hector. The land of claimant is Bagayati land and on that basis the learned Reference Court has enhanced the amount to Rs.1,40,000/- per hector. I do not find infirmity in it. The learned Reference Court has observed that the claimant is entitled for Rs.25,000/- as compensation, but in operative part of order, the said amount has not been considered. Hence, the appeal is devoid of merit. Moreover, the enhanced compensation is within two times. Hence, I pass following order:

ORDER

A. Appeal is dismissed.

B. No order as to costs.

6. In view of dismissal of the First Appeal,
the present Civil Application is disposed of.

(S. G. DIGE)
JUDGE

Devendra/October-2022