



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

**63 CIVIL APPLICATION NO. 7134 OF 2010
WITH
FAST/10035/2010**

THE STATE OF MAH
VERSUS
HARIKISAN BHAUSAHEB FARTADE

Mr. S.B. Jadhav, AGP for the applicant/appellant-State.

CORAM : KISHORE C. SANT, J.
DATE : 22.08.2025

PC :-

CIVIL APPLICATION NO. 7134 OF 2010

01. Heard. For the reasons stated in the application, the delay caused in preferring the First Appeal is condoned. The Civil Application for condonation of delay is allowed. The First Appeal be registered.

FAST/10035/2010

01. This First Appeal is filed challenging a judgment and award passed by the learned VI Adhoc Additional District Judge, Beed, dated 12.07.2005 partly allowing the Land Acquisition Reference of the respondent, under section 18 of the Land Acquisition Act. The land of

the respondent admeasuring 85 R came to be acquired for percolation tank, village Pandharwadi, Tal. Georai. Notification under section 4 was published on 16.10.1988. The award was passed on 15.07.1993. The possession was already taken on 23.04.1987. The learned SLAO awarded rate of Rs. 100/- per R. The claimant, therefore, filed reference. The learned Reference Court considered the evidence in the nature of sale instances at Exh.27 and other evidence. The claimant also got himself examined at Exh.32 and tendered on record a certified copy of judgment of the learned Reference Court in LAR No. 338 of 1994. The learned Reference Court considering the evidence came to a conclusion that the adequate compensation will be Rs. 625/- per R. The learned Reference Court considered the sale-deed, wherein the amount fixed was almost Rs. 1000/- per R. The judgments in the earlier reference were also relied upon while passing the award.

02. The learned AGP vehemently argued that the learned Reference Court failed to appreciate that the learned SLAO had rightly awarded the amount. No interference was required. The sale instance is of 1988, whereas section 4 Notification was issued in the same year. The sale instance, therefore, could not have been relied upon.

03. This Court has also considered the amounts awarded in other references decided by the Same Court. This Court does not find any illegality or perversity in the order passed by the learned Reference Court. There is no merit in the First Appeal. The First Appeal, therefore, stands dismissed.

[KISHORE C. SANT, J.]