

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 935 OF 1992

The State of Maharashtra	... Appellant
Vs.	
Hiru Goma Katekar	... Respondent

Mr. A.R. Patil, AGP for the appellant.
Mr. Shreekant V. Gavand, Advocate for the respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **AUGUST 20, 2015**

P.C.:

This First Appeal is directed against the judgment and award dated 2nd May, 1991 passed by the 2nd Additional District Judge, Raigad, Alibag thereby granting enhancement in the amount of land acquisition award. The land under question situated at Village Dapholi, Panvel and it was acquired by the Government for New Bombay Project. A notice dated 3rd February, 1970 was issued under section 4 of the Land Acquisition Act and was published in the Government Gazette on 5th September, 1970. The award was passed on 5th July, 1986 and the land was taken on 25th October, 1986 by the Land Acquisition Officer. The total compensation award of Rs.4,244.70 was accepted by the claimant under protest and thereafter he made a reference to the Collector and then the claimant filed Reference under section 18 of the Land Acquisition Act for enhancement of compensation, which was partly allowed by the learned

Additional District Judge, Raigad by fixing the valuation of the land @ Rs.7/- per sq.m. and the total area of the land is 1300 sq. m.

2. Learned AGP is present and made submissions, however, learned counsel for the respondent, at the outset, pointed out that this issue is already covered by the judgment of Division Bench passed on 18th July, 2001 in the group matters of State of Maharashtra vs. Tulsiram Krishna Mungali & Ors. in First Appeal No. 462 of 1990. He produced copy of the said judgment.

3. Perused the said judgment. The Hon'ble Division Bench of this Court, for the land which was acquired under section 4 Notification of Land Acquisition Act on 3rd February, 1970 from Village Dapholi, Taluka Panvel for New Mumbai Project, have fixed the rate at Rs.10/- per sq.m. and directed that the market value in the said Reference is to be calculated at that rate. Learned AGP fairly relies on the said judgment. In view of this, nothing remains in this Appeal. Hence, the First Appeal is dismissed.

(MRS.MRIDULA BHATKAR, J.)