

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL ST. NO.26014 of 2015
ALONG WITH
FIRST APPEAL NO.593 OF 2015

FA ST. NO.26014 OF 2015

Shri Jamasu Ladaku Patil and Another. .. Appellants.
Vs
The State of Maharashtra. .. Respondent
--
Shri Shriram S. Kulkarni for the Appellants.
Shri A.R. Patil, AGP for the Respondent.
—

WITH
FA NO.593 OF 2015

The State of Maharashtra. .. Appellant
Vs.
Shri Jamasu Ladaku Patil and Another. .. Respondents
—
Shri A.R. Patil, AGP for the Appellant.
Shri Shriram S. Kulkarni for the Respondents.
—

CORAM : A.S. OKA & G.S.PATEL, JJ
DATED : 18TH DECEMBER 2015

PC.

1. Admit. The learned AGP waives service for the Respondent in First Appeal Stamp No.26014 of 2015 and the learned counsel

appearing for the Respondents waives service in First Appeal No.593 of 2015. Forthwith taken up for final disposal.

2. These are the Cross Appeals arising out of the judgment and award dated 25th February 2013 passed by the learned Civil Judge, Senior Division, Raigad at Alibag in Land Acquisition Reference No.409 of 2000 and other connected References.

3. The acquisition commenced on the basis of the Notification under Sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (for short “the said Act of 1894”) issued on 24th September 1986. The purpose of acquisition was the setting up a satellite city of Navi Mumbai. The acquired lands are situated at Village Kopar, Taluka – Panvel, District – Raigad.

4. It is not in dispute that this Court by its judgment and order dated 27th August 2015 in First Appeal No.112 of 2009 (*The State of Maharashtra v. Nakul Govind Patil & Others*) and other connected Appeals, dealt with the Appeals arising out of the Award made under Section 18 of the said Act of 1894 in relation to the lands in the same village which were acquired on the basis of the same Notification dated 24th September 1986. This Court fixed the market value of the acquired lands at Rs.1,380/- per sq. metres.

5. The learned AGP states that as per his instructions, the judgment and order dated 27th August 2015 has not been challenged by the State Government.

6. Therefore, admittedly, the present Appeals will be governed by the said judgment and order dated 27th August 2015. Accordingly, we pass the following order:

ORDER :

- (a) The First Appeal St. No.26014 of 2015 is partly allowed. The Appellant will be entitled to proportionate costs of the Appeal as well as the Reference;
- (b) The First Appeal No.593 of 2015 is dismissed with no order as to costs;
- (c) The impugned judgment and award is modified by directing that the Claimants will be entitled to the market value in respect of the lands at Village Kopar at the rate of Rs.1,380/- per sq. metres. In addition to the market value, the Claimants will be entitled to

statutory benefits under Sections 23(1-A), 23(2) and 28 of the said Act of 1894;

- (d) The Reference Court shall carry out the exercise of computing compensation payable in terms of the modified Award within a period of four months from the date on which the writ of this order along with record and proceedings is received by the said Court;
- (e) Before determining the compensation amount payable, an opportunity of being heard shall be granted by the Reference Court to both the parties;
- (f) Within period of four months from the date on which adjudication of the amount due and payable is made by the Reference Court, the State Government shall deposit the excess amount with the Reference Court;
- (g) Writ of the judgment along with Record and Proceedings shall be forwarded to the Reference Court as expeditiously as possible;

- (h) Civil Application No.2027 of 2015 does not survive
and the same is disposed of.

(G.S.PATEL, J)

(A.S. OKA, J)