

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

FIRST APPEAL NO. 1450 OF 2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.R. Patil, AGP for the appellant/State.

**CORAM : K. K. TATED, J.
DATED : 13/01/2016**

PC.:

- . Heard learned AGP for the Appellant/State.
- 2 This Appeal is preferred by the State of Maharashtra challenging the Judgment and Award dated 16.11.2013 passed by Civil Judge, Senior Division, Sindhudurg at Oras in L.A.R. 30 of 2003 (old L.A.R. No. 15/2002) awarding additional sum of Rs.10,012/- in respect of acquired land to the respondent-claimant.
- 3 In the present proceeding, the Special Land Acquisition Officer issued notification under Section 4 of Land Acquisition Act dated 13.06.1991 for acquiring claimants' land situated at village Kurli, Tal. Vaibhavwadi, Dist. Sindhudurg for public purpose i.e. for submersion area of Devgad Medium Irrigation Project. After following due process of law, the Special Land Acquisition Officer by award

dated 30.03.1995 awarded compensation of Rs.36,855/-for acquired land as well as fruit trees.

5 Being aggrieved by the said award, the respondent-claimant preferred Reference under Section 18 of the Land Acquisition Act. In that reference, the Reference Court awarded compensation for acquired land @ Rs.1000/- per Are for 18.2 Are for cultivating land Rs. 150/- per Are per 00.5 Are pot-kharba land and statutory benefits as per amended provisions of Land Acquisition Act to the respondent-claimant.

6 Being aggrieved by the said award the State of Maharashtra preferred the present First Appeal.

7 The learned AGP appearing on behalf of State of Maharashtra submits that Reference Court has committed an error in holding that the compensation awarded by the Special Land Acquisition Officer to the claimants were inadequate. He further submits that Reference Court failed to consider the fact that the Special Land Acquisition Officer after considering the several sales instances decided the market value of acquired land on the date of issuing the notification under Section 4 of Land Acquisition Act. He further submits that the Reference Court failed to consider that the claimant did not produce valid and proper evidence for the additional compensation. Hence, Judgment and

Award passed by the Reference Court is required to be set aside.

8 Considering the submissions made by the learned AGP for the Appellant and after perusing the impugned Judgment and Award passed by the Reference Court, the issue involved in the present First Appeal is “whether the compensation awarded by the Reference Court is on higher side?”.

9 In the present proceeding, the Special Land Acquisition Officer by notification under Section 4 of the Land Acquisition Act, acquired the following lands of respondent-claimant.

Survey No.	Hissa No.	Cultivable Area H. R.	Potkharba H. R.	Compensation Awarded Rs. Ps.
28	'1/4	0-12-0	-----	7363-32
34	'3/2	0-06-2	'00.5	893-80
		Total---	'00.5	8236-12

10 The claimants in support of his contention for additional compensation relied on several sales instances. Apart from that the claimant placed on record the certified copy of judgment in earlier L.A.R. No.253 of 1993 in which compensation of acquired land was granted @ Rs.1000/- per guntha for cultivating land. The Reference Court considered the earlier judgment in land references arising from same area and held that the claimant was entitled to compensation in respect of acquired land @

Rs.1000/- per Are for 18.2 Are cultivating land and
Rs.150/- per Are for 00.5 Are pot-kharba land.

11 It is to be noted that the additional compensation payable to the Respondent claimant come to Rs.10,012/- only. It is not in the interest of parties to keep pending the litigation for such meager amount.

12 Hence, considering the above mentioned fact as Reference Court awarded additional compensation of Rs.10,012/- to the Respondent claimant on the basis of earlier Judgment in L.A.R. No. 253 of 1997, I am of the opinion that not to entertain the First Appeal. First Appeal is dismissed at the stage of admission itself, only on the ground that meager amount involved.

13 It is made clear that this order should not be treated as precedent in other connected matters arising from same notification and from same area, as First Appeal is rejected mainly on the ground of meager amount.

(K.K.TATED, J.)