

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.90 OF 2015
IN
CROSS OBJECTION (STAMP) NO.22081 OF 2008
IN
FIRST APPEAL NO.341 OF 2006
IN
L.A.R. NO.56 OF 2002

ALONG WITH

CIVIL APPLICATION NO.91 OF 2015
IN
CROSS OBJECTION (STAMP) NO.22091 OF 2008
IN
FIRST APPEAL NO.342 OF 2006
IN
L.A.R. NO.57 OF 2002

ALONG WITH

CIVIL APPLICATION NO.92 OF 2015
IN
CROSS OBJECTION (STAMP) NO.22104 OF 2008
IN
FIRST APPEAL NO.343 OF 2006
IN
L.A.R. NO.58 OF 2002

ALONG WITH

CIVIL APPLICATION NO.93 OF 2015
IN
CROSS OBJECTION (STAMP) NO.22114 OF 2008
IN
FIRST APPEAL NO.344 OF 2006
IN
L.A.R. NO.59 OF 2002

ALONG WITH

CIVIL APPLICATION NO.94 OF 2015
IN
CROSS OBJECTION (STAMP) NO.22058 OF 2008
IN
FIRST APPEAL NO.345 OF 2006
IN
L.A.R. NO.60 OF 2002

ALONG WITH

CIVIL APPLICATION NO.95 OF 2015
IN
CROSS OBJECTION (STAMP) NO.22065 OF 2008
IN
FIRST APPEAL NO.346 OF 2006
IN
L.A.R. NO.61 OF 2002

ALONG WITH

CIVIL APPLICATION NO.96 OF 2015
IN
CROSS OBJECTION (STAMP) NO.22071 OF 2008
IN
FIRST APPEAL NO.347 OF 2006
IN
L.A.R. NO.62 OF 2002

ALONG WITH

CIVIL APPLICATION NO.97 OF 2015
IN
CROSS OBJECTION (STAMP) NO.22075 OF 2008
IN
FIRST APPEAL NO.348 OF 2006
IN
L.A.R. NO.63 OF 2002

Mominpada Masjid Yakub Baig Trust, Panvel, Dist. Raigad	 Applicant
<i>In the matter between</i>	
The State of Maharashtra, Through the Special Land Acquisition Officer, Panvel, Dist. Raigad.	 Appellant
<i>Versus</i>	
Mominpada Masjid Yakub Baig Trust, Panvel, Dist. Raigad.	 Respondent

Mr. Sachin S. Punde for the Applicants-Original Respondents.

Mr. A.R. Patil, A.G.P., for the Appellant-State.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 20TH AUGUST 2016.

P.C. :

1. These Civil Applications have been preferred seeking leave to amend the Claim Petitions, so as to enable the applicants to claim compensation @ Rs.5,000/- per sq.mtr, instead of Rs.200/- per sq.mtr.

2. The applicants are the original claimants in Land Acquisition References bearing Nos.56 of 2002 to 63 of 2002, which have been decided by the Civil Judge, Senior Division, Panvel, by the Judgment and Award dated 5th November 2004. In the said Claim Petitions, the applicants have claimed compensation @ Rs.200/- per sq.mtr. The Claim Petitions were allowed partly and respondent-State of Maharashtra was

directed to pay market value @ Rs.100/- per sq.mtr. along with statutory benefits under the Land Acquisition Act.

3. The State of Maharashtra preferred the First Appeals, wherein the applicants have filed Cross Objections for enhancement of compensation amount and market value @ Rs.200/- per sq.mtr. They had, accordingly, valued the claim and paid the Court fees. Now it is submitted by the applicants that the market value of the said land has been increased to Rs.5,000/- per sq.mtr, as can be evident from the plots allotted by the CIDCO to the prospective buyers.

4. Hence, it is urged that the original claimants be permitted to carry out the necessary amendment in the Claim Petitions.

5. Learned A.G.P. Mr. Patil submits that, in view of the settled legal position, as the original claimant can ask for enhanced amount of compensation at any time, he has no objection to permit the amendment, as sought.

6. Learned counsel for the applicants has also relied upon the decision of Full Bench of this Court in the case of *State of Maharashtra Vs. Sitaram Narayan Patil*, 2010 (2) Mah.L.J. 387, holding that, “amendment to

increase the compensation claimed in the application for Reference under Section 18 of the Land Acquisition Act can be allowed before the reference Court as well as at the stage of an appeal in the High Court arising out of the decision of the reference Court”.

7. The Hon'ble Supreme Court has also in the case of *Ambya Kalya Mhatre(D), through legal heirs and others Vs. The State of Maharashtra*, (2011) 9 SCC 325, in paragraph No.33, has held that, *“the time-limit under Section 18 of the Land Acquisition Act is only for seeking the reference by raising the objection to the amount of compensation or any of the other three objections. The land-owner or persons aggrieved will have to give only the nature of objection to the award, that is, whether it is with reference to measurement or compensation or person to whom it is payable or apportionment, and briefly mention the grounds in support of it. Though the land-owner can give the details of his claim and quantum, he is not bound to do so. When the reference is made, he can give the particulars of the claim for compensation or additional particulars or even increase the claim.”*

8. In view thereof, these Civil Applications filed by the original claimant seeking permission to amend the Claim Petitions and claim compensation @ Rs.5,000/- per sq.mtr, instead of Rs.200/- per sq.mtr., are hereby

allowed. The applicants to carry out necessary amendment within a period of two weeks from the date of the order and after the amendment is carried out, within a period of four weeks thereafter, the applicants to pay the deficit Court Fee Stamps.

9. On failure of the applicants to do the requisites, as stated above, within the stipulated time, all these Civil Application would automatically stand dismissed, without further reference to the Court.

[DR. SHALINI PHANSALKAR-JOSHI, J.]