

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 296 OF 2003

The State of Maharashtra .. Appellant
vs.
Shri Anant V. Bhave .. Respondent

Mr. A. A. Palkar – AGP for Appellant.
None for Respondent.

CORAM : M. S. SONAK, J.
DATE: 16 JANUARY 2017

P.C :

- 1] This appeal was admitted on 20 February 2003.
- 2] The matter has now come up for confirmation of ad interim relief. Since it was noticed that the appellant has not complied with the condition subject to which the ad interim relief is granted, ad interim relief has not been confirmed.
- 3] At this stage, it is noticed that the compensation awarded by the Reference Court is Rs.12,000/- along with other statutory benefits. Therefore, the matter is taken up for final disposal.
- 4] Mr. Palkar, learned AGP submits that the compensation awarded by the Reference Court is quite excessive and there was no material to support the enhancement. He submits that the award of the Land Acquisition Officer had determined the market price

correctly and there was no reason for the Reference Court to enhance the amount.

5] Upon perusal of the impugned award, it is seen that the Reference Court has relied upon award in L.A.R. No. 6 of 1995 and on the said basis enhanced the compensation only marginally. There is nothing on record to indicate that the award in L.A.R. No. 6 of 1995 was not a comparable instance. In fact, the record indicates that the award pertains to the very same acquisition. That apart, evidence was led in L.A.R. No. 6 of 1995 and an application was made to treat the evidence in the said case as evidence in the present case. This application was allowed and duly considered by the Reference Court. Taking into consideration this circumstance, as also the fact that the entire amount involved in this case is hardly Rs.12,000/-, there is no reason to interfere with the impugned award.

6] Accordingly, this appeal is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)