

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
FIRST APPEAL NO.1924 OF 2016

01 The State of Maharashtra,
through Collector, Nandurbar.

02 The Special Land Acquisition Officer
(2), Nandurbar.

03 The Executive Engineer,
MIW Division, Nesu Project,
Dhule.

Appellants

Versus

Pradip Magarsing Gavit,
age: major, Occ: Farmer,
R/o Khairve, Tq. Navapur,
District Nandurbar.

Respondent

Mr.A.M.Phule, A.G.P. for appellants

CORAM : M.S.SONAK, J.

DATE : 24th January, 2018.

ORAL JUDGMENT :

1 In this appeal, challenge to the judgment and award dated 13.02.2008, made by the Reference Court, enhancing the compensation amount from Rs.310/- per Are to Rs.606/- per Are. The Reference Court has also awarded compensation of Rs.303/- per Are for *pot kharab* land. The difference between the compensation amount awarded by the SLAO and the Reference Court comes to only Rs.16,167/-.

2 Mr.Phule, learned A.G.P. submits that the sale instance at Exhibit-19, upon which, reliance has been placed by

the Reference Court, does not pertain to the lands which were comparable and, therefore, the impugned award warrants interference.

3 The sale instance at Exhibit-19 is a sale instance from village Bhadvad, which is at a distance of one and half km. from the village of acquired land. The sale instance relates to comparable land. It is not even the case of the appellants that any sale instance was available from the same village and same was suppressed. The entire compensation, involved in this appeal, is only Rs.16,167/-. In respect of such small amount, the State ought not to have even instituted the appeal, much less pursued the same. In **State of Maharashtra Vs. Jagannath Sahebrao Wable**, 2017 (5) MhLJ 691, this Court has held that the appeals where the enhanced amount in the entirety does not exceed Rs.10,000/- may be dismissed by clarifying that the rate determined may not be treated as precedent. Therefore, following the judgment in **Jagannath Wable** (*supra*), there is no necessity to entertain the present appeal.

5 Apart from the aforesaid, it is necessary to point out that the enhancement, in the present case, is well within the limits prescribed by the State Government itself in Government Resolution dated 03.11.2016, as amended from time to time. The Government Resolution dated 03.11.2016 records a policy decision of the State Government not to institute appeals or to settle already instituted appeals where compensation awarded by the Reference Court is less than four times the compensation prevalent as per the Ready Reckoner rates on the date of issue of Section 4

Notification. Generally, the compensation awarded by the Special Land Acquisition Officer corresponds to the ready reckoner rates prevalent on the date of issue of Section 4 Notification. In effect, therefore, the Government Resolution dated 03.11.2016 records policy decision of the State to settle the matters where enhanced compensation is less than four times the rate determined by the SLAO, where such rate broadly corresponds to the ready reckoner rates. This formula applies to the lands located in rural areas. Since, the land, which form subject matter of present appeal, was located in rural area, there is no dispute that it is this formula, which will be applicable to the present appeal.

6 In the present matter, as noted earlier, the SLAO had determined compensation at the rate of Rs.310/- per Are. The Reference Court has determined compensation at the rate of Rs.606/- per Are. This is well within the limits prescribed under the Government Resolution dated 03.11.2016. Accordingly, this appeal can be disposed of in terms of the State's own policy as set out in Government Resolution dated 03.11.2016. However, since the learned A.G.P. had no written instructions for withdrawal of appeal, the matter was heard on merits and is disposed of.

7 For the aforesaid reasons, this appeal is dismissed. There shall be no order as to costs.

M.S.SONAK
JUDGE