

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 557 OF 1991

The State of Maharashtra

.. Appellant

Vs.

Prabhakar Bhagwan Patil

.. Respondent

Mr.A.R. Patil, Advocate for applicant/appellant.

None for respondent.

CORAM : A.S. CHANDURKAR, J.

DATE : 29TH NOVEMBER 2018

P.C.

1 This appeal under Section 54 of the Land Acquisition Act, 1894 (for short, referred as 'the said Act') has been preferred by the State challenging the adjudication in Land Acquisition Reference No.528 of 1989 whereby said Reference has been partly allowed by the judgment dated 31st March 1990 and the claimants have been held entitled to receive compensation @ Rs.10/- per sq.mtr. for the land acquired.

2 The learned Assistant Government Pleader in support of the Appeal submitted that the evidence led by the claimants before the Reference Court was insufficient for granting compensation @ Rs.10/- per sq.mtr. The Land Acquisition Officer while passing the Award had not taken into consideration all relevant aspects and had awarded higher compensation for the acquired land. The learned counsel sought to rely upon the evidence on record in that regard.

3 It is, however, to be noted that the Division Bench by this Court in *The State of Maharashtra (Through the Special Land Acquisition Officer) Vs. Shri Chandrakant Bhiva Patil*¹, while deciding other appeals under Section 54 of the said Act arising out of the Notification dated 3rd February 1970 relating to the same project and pertaining to the same village has granted compensation @ Rs.25/- per sq.mtr. for the acquired lands.

4 In the light of adjudication by the Division Bench of this Court, it would not be permissible to further reduce the amount of compensation which has been granted before the Reference Court @ Rs. 10/- per sq.mtr. Thus, in the light of aforesaid adjudication, the challenges raised in this Appeal cannot be accepted.

5 Accordingly, First Appeal No. 557 of 1991 stands dismissed.

No order as to costs.

(A.S. CHANDURKAR, J.)

1 First Appeal No.423 of 1996 in LAR No.657/1987 with
First Appeal No.1534 of 1996 in LAR No.657/1987 Dt.16.092004