

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

**CIVIL APPLICATION NO.69 OF 2018
IN
CROSS-OBJECTION (ST) NO.29406 OF 2016
IN
FIRST APPEAL NO.494 OF 2015**

Anant Kathor Thakur .. Applicant

In the matter between

The State of Maharashtra .. Appellant

V/s.

Anant Kathor Thakur .. Respondent

Ms.Deepa S. Punde i/b Mr.S.S.Punde for the Applicant
Mr.A.P.Vanarase, A.G.P. for the Respondent no.1

**CORAM: K.K. TATED &
SANDEEP K. SHINDE, JJ.**

DATED : SEPTEMBER 25, 2018

P.C. :

1 Heard.

2 The learned counsel for the Applicant submits that appellant State of Maharashtra is already served. She submits that Applicant undertakes to file affidavit of service within two weeks from today. Same is accepted.

3 The learned counsel for the Applicant submits that in the present

Mohite

1/3

proceedings, appellant State of Maharashtra filed First Appeal No.494 of 2015 challenging the judgment and award dated 05.03.2011 passed by Civil Judge, Senior Division Panvel in L.A.R.No.179 of 2007 awarded additional compensation of Rs.1,16,94,854/-.

4 The learned counsel for the Applicant submits that in the present proceedings, Special Land Acquisition Officer issued notification under section 4 of the Land Acquisition Act dated 01.01.2001 for acquiring Applicant's land from village Nahve, Tal. Panvel, Dist. Raigad for the New Bombay Project. He submits that after following due process of law, Special Land Acquisition Officer passed award under section 11 of the Land Acquisition Act, 1894 dated 27.02.2014.

5 Being aggrieved by the said award, Applicant Claimant preferred reference under section 18 of the Land Acquisition Act and claimed compensation in respect of the acquired land @ Rs.1,000/- per sq.mtr. She submits that Reference Court by its judgment and award dated 05.03.2011 awarded sum of Rs.950/- per sq.mtr. She submits that First Appeal preferred by the State is admitted by this court on 08.06.2015.

6 The learned counsel for the Applicant submits that thereafter they filed Cross Objection on 17.10.2016 claiming additional compensation @ Rs.5,000/- per sq.mtr. She submits that as per their calculation, they are entitled more than Rs.5,000/- per sq.mtr. Hence, they preferred the present Civil Application to carry out amendment in the cross-objection.

7 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, we are satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

a) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“A) This Honourable High Court be pleased to permit the Applicants to amend and claim compensation at the rate of Rs.5000/- per square meter thus totally claiming further enhancement of Rs.4050/- in Cross Objections.”

b) Applicant to carry out amendment and pay additional court fees as per amendment within six weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

c) If amendment is carried out within stipulated time as stated hereinabove, Applicant to provide amended copy of Cross Objection to the appellant immediately thereafter.

d) Civil application stands disposed off accordingly.

(SANDEEP K. SHINDE, J.)

(K.K. TATED, J.)