

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.26483/2015

State of Maharashtra & Ors.

... Appellants

V/s.

Changu Kana Thakur & Ors.

... Respondents

Mr. A. R. Patil, AGP for the Appellants

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

DATED : AUGUST 27, 2018

P.C. :

1 Not on board. At the request of the learned AGP, taken on board.

2 The learned AGP submits that by this appeal, they are challenging the judgment and award dated 24.03.2015 passed by the learned Civil Judge, Senior Division Panvel in LAR No.214/2007 (Old LAR No.219/2007).

3 The learned AGP submits that in the present proceedings, the Special Land Acquisition Officer had issued Notification u/s.4 of the Land Acquisition Act, 1894 on 01.01.2001 for acquiring the Respondent claimant's land from Village Nhave, Tq. Panvel, District Raigad for New Mumbai Project. He submits that after following due process of law the Special Land Acquisition Officer has passed the

**Basavraj
Gurappa
Patil**

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award u/s.11 of the said Act on 27.02.2004 and awarded sum of Rs.5 PSM towards compensation. He submits that being aggrieved by the said award, the Respondent claimant had filed Reference u/s.18 of the Land Acquisition Act, 1894 and claimed compensation of Rs.1000/- PSM. He submits that the Reference Court, by impugned award awarded compensation of Rs.950/- PSM. The learned AGP submits that the Reference Court has failed to consider the relevant sale instances at the time of fixing the market value of the acquired land. The learned AGP submits that the Appellant has good chance of success in the matter.

4 Considering the submissions made by the learned AGP and the impugned judgment and award, following order is passed:

- a **Admit.**
- b Printing dispensed with.
- c Appellant is directed to file private paper book within two years from today, with copy to other side, failing which the First Appeal shall stand dismissed without further reference to the court.
- d. Call R & P immediately.

(S. K. SHINDE, J.)

(K. K. TATED, J.)