

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2550/2015

with

First Appeal (ST) No.39/2013

with

Civil Application No.2551/2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. A. R. Patil, AGP for the Applicant

CORAM: K.K.TATED, J.

DATED : AUGUST 16, 2019

P.C.

1 Heard. By this Civil Application, the State of Maharashtra is seeking condonation of 338 days delay in filing the First Appeal challenging the judgment and award dated 15.10.2011 passed by the Civil Judge, Senior Division, Sindhudurg at Oros in LAR No.47/2003.

2 The learned AGP submits that they have good chance of success in the matter. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the First Appeal and the matter be heard on merits.

3 In the present proceedings the SLAO issued Notification u/s.4 of the Land Acquisition Act, 1894 for acquiring the Respondent-Claimant's land situated at village Kalsuli, Tq. Kankavali, Dist. Sindhudurg at Oros. After following due process of law, the SLAO declared award u/s.11 of the said Act on 10.05.2001 and awarded compensation in respect of the acquired land.

4 Being aggrieved by the said award, the Respondent-Claimant preferred Reference u/s.18 of the said Act and claimed compensation @ Rs.3000/- per R for the land admeasuring 0.26R and 02.R The Reference Court, on the basis of the evidence on record held that the claimants are entitled to compensation in respect of the acquired land @ Rs.1000/- per Guntha for the warkas land and Rs.150/- per Guntha for potkharaba land. The Reference Court has awarded sum of Rs.9389/- by way of additional compensation in respect of the the acquired land.

5 The apex court in the matter of ***Airports Authority of India Vs.***

Satyagopal Roy & Ors. (2002) 3 SCC 527 refused to interfere with the award on the ground that the compensation awarded was meager.

6 Considering the submissions made by the learned AGP for the Applicant and as the Reference Court has awarded meager amount in respect of the acquired land to the claimant, I do not find any reason to entertain the present proceedings at all.

7 Hence, following order is passed:

- a. The Civil Application stands dismissed.
- b. In view thereof, the registration of the First Appeal stands rejected.
- c. Consequently, the Civil Application for stay stands dismissed as infructuous.
- d. This order shall not be treated to be precedent in any other similar matter because this order is passed only on the ground of meager amount awarded to the Respondent-Claimant.

(K.K.TATED, J.)