

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal (ST) No. 7441/2011
with
Civil Application No.1406/2018

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 Appellant

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 4, 2019

P.C.

1 Not on board. At the request of the learned counsel for the Appellant taken on board.

2 By this First Appeal, the Appellant challenges the judgment and award dated 17.09.2010 passed by the Civil Judge, Senior Division, Barshi in LAR No.567/2002 holding that the Respondent-Claimants are entitled to additional compensation of Rs.30,000/- in respect of the acquired land.

3 The learned AGP submits that in the present proceedings the Special Land Acquisition Officer issued Notification

u/s.4 of the Land Acquisition Act, 1894 for acquiring the Respondent-Claimant's land bearing Gat No.340 admeasuring OH 75R situated at village Bavi, Tq. Barshi, Dist. Solapur for Pimpalgaon Dhale Medium Project. After following due process of the Special Land Acquisition Officer passed Award u/s.11 of the said Act on 02.06.2007 and granted sum of Rs.36,108/- in respect of the acquired land in favour of the Respondent-Claimant. Being aggrieved by the said Award the claimant filed Reference u/s.18 of the said Act and claimed sum of Rs.1,55,000/-.

4 The learned counsel for the Applicant submits that the Reference Court, after considering the evidence on record held that the Respondent-Claimant has made out a case for additional compensation of Rs.30,000/- in respect of the acquired land. He submits that the Reference Court has not considered the evidence on record while awarding the compensation. Hence, they have good chance of success in the matter.

5 It is to be noted that after

considering the evidence on record, the Reference Court has held that the claimant is entitled to additional compensation of Rs.30,000/- in respect of the acquired land. Bare reading of the impugned judgment and award shows that while awarding the compensation the Reference Court has relied on the judgment in LAR No.740/2002 and other sale instances.

6 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. Paragraph 15 and 16 of the said authority reads thus:

“15. However, it is true that this Court in State of Madras V. Rev. Brother Joseph [AIR 1973 SC 2463] refused to interfere with the award on the ground that the compensation awarded was meager. Similarly, in Special Land Acquisition Officer, Malaprabha Dam Project, Saundatti and Others V. Madivalappa Baslingappa Melavanki and others [(1995) 5 SCC 670], this Court refused to interfere where compensation was determined on the basis of annual yield of agricultural land by application of 15 years' multiplier on the ground that the small area of land was acquired and approved the order of

the High Court in which it was observed that "it is hardly appropriate to interfere with the award notwithstanding the discernible blemish pointed out by the learned Government Pleader" and also held thus:

"However, it would not operate as a precedent to any future case or other cases arising from the same notification. All cases need to be decided applying only 10 years' multiplier."

16 In the present case also, considering the small amount of compensation awarded to the claimants, we do not think that this would be a fit case for interference in this appeal. Hence, the appeal is dismissed with no order as to costs."

7 Considering the submissions made by the learned counsel for the Applicant and the law declared by the Apex Court, I am of the opinion that the Applicant has failed to make out a case for admission of the First Appeal, as it involves a very meager amount.

8 Hence, following order is passed:

- a. The First Appeal stands rejected.
- b. In view thereof, the Civil Application for stay stand dismissed as infructuous.

c. As this order is passed only on the basis of meager amount involved in the appeal, it shall not be treated as a precedent in any other matter involving similarly situated land and for the same project.

d. No order as to costs.

(K.K.TATED, J.)