

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

CIVIL APPLICATION NO.2545/2015

in

FIRST APPEAL (ST) NO.8611/2013

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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AGP Mr.A.R.Patil for applicant.

CORAM : K. K. TATED, J.

DATE : AUGUST 16, 2019.

P.C.:

Heard learned AGP Mr.A.R.Patil for applicant.

2 By this application, applicant is seeking condonation of 50 days delay in filing first appeal, challenging judgment and award dated 4.9.2012 passed by reference court in LAR no.2/2005.

3. Learned AGP Mr.A.R.Patil for applicant submits that in present proceeding Special Land Acquisition officer issued Notification u/s 4 of the Land Acquisition Act (hereinafter referred as 'said Act') dated 30.1.1999 for acquiring Respondent/claimant's land situated at village Naradave, Tal-Kankavali, District-

Sindhudurg at Oros for Mahhamadwadi Medium Irrigation Scheme. After following due process of law the Land Acquisition Officer declared award u/s 11 of the said Act dated 12.2.2001 and awarded compensation.

4. Being aggrieved by the said award, Respondent/claimant preferred Reference u/s 18 of the said Act on 23.7.2001 and claimed enhanced compensation of Rs.28,168/-.

5. Learned AGP Mr.A.R.Patil submits that they have good chance of success. He submits that in the present proceeding, matter be heard on its own merits.

6. It is to be noted that in the present proceeding, the reference court awarded additional compensation of Rs.28,168/ for acquired land. It is to be noted that the Apex Court in the matter of **Airports Authority of India Vs. Satyagopal Roy & Ors. (2002)3 SCC 527** held that considering the small amount of compensation awarded to the claimants, normally Court should not interfere in such matters. Para 15 and 16 of that 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, Saudatti and others v.Madivalppa Basalingappa 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 submission made by learned AGP Mr.AR Patil for applicant and as the amount is meager, I am satisfied that applicant has failed to make out a case for allowing civil application. There is no satisfactory explanation for delay in filing first appeal. Hence, it is not proper to call the Agriculturist to defend first appeal for such a meager amount.

8. Hence, the following order.

a)Civil application stands rejected.

(K.K.TATED, J.)