

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 15398 OF 2017
WITH
CIVIL APPLICATION NO. 1118 OF 2018

Office Notes, Office
Memoranda of
Coram,
appearances, Court's
orders or directions
and Registrar's
orders

Court's or Judge's orders.

Ms. Tanaya Goswami, AGP for the Appellant.
Mr. Milind Deshpande for the Respondent.

CORAM: K.K.TATED, J.
DATED : 16/09/2019

P.C.

- 1 Heard learned AGP for the Appellant.
- 2 By this First Appeal, the Appellant is challenging the Judgment and Award dated 24.08.2015 passed by Civil Judge, Senior Division, Solapur, in LAR No. 44 of 1999 holding that the Respondent original Claimant is entitled to a sum of Rs. 7,514/- for acquired 12.12 sq. meters land from City Survey No. 2304.
- 3 In the present proceeding, the Special Land Acquisition Officer issued notification under Section 4 of the Land Acquisition Act dated 26.12.1996 for acquiring Respondent Claimant land from South Sadar Bazar Solapur for the purpose of widening of the road between Soni Chowk to Maulali Chowk

at Solapur after following due process of law. The SLAO declared award dated 05.04.1999 and awarded total compensation of Rs.12,726/- in respect of acquired land.

4 Being aggrieved by the said award, the Respondent Claimant preferred Reference under Section 18 of the Land Acquisition Act. The Reference Court by its impugned judgment and award dated 24.08.2015 held that Respondent Claimant is entitled additional compensation of Rs.7,540/-.

5 The learned AGP for the Applicant submits that at the time of awarding additional compensation in respect of acquired land, the Reference Court failed to consider sales instances on record. She submits that the Reference Court erred in coming to the conclusion that Respondent is entitled to additional compensation in respect of acquired land. She submits that they have good chance of success in the present matter. She submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the Judgment and Award passed by the Reference Court.

6 On the basis of submissions made by the learned AGP for the Appellant, the issue involved in the First Appeal is “whether the

compensation awarded by the Reference Court is on higher side?”

7 It is to be noted that in the present proceeding, the SLAO acquired Respondent's land 12.12 sq. mtrs for road widening purpose. After considering the evidence on record, the Reference Court held that the Respondent-Claimant is entitled to additional compensation of Rs.7,540/- which is meager amount.

8 Considering this fact and law declared by the Apex Court in the matter of ***Airports Authority of India Vs. Satyagopal Roy & Ors. (2002) 3 SCC 527*** holding that for meager amount, it is not necessary to admit the First Appeal I am satisfied that compensation awarded by the Reference Court is not on higher side. Hence, issue framed by this Court is answered in the negative.

9 Hence, the following order is passed:

- a) First Appeal is dismissed.
- b) Civil Application No. 1118 of 2018, which is for stay of the impugned judgment and award stands dismissed as infructuous.
- c) No order as to costs.

(K.K.TATED, J.)