

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1203/2015
WITH
CIVIL APPLICATION NO.3782/2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mrs. Tanaya Goiswami, AGP for the Appellant.	

CORAM : K.K.TATED, J.
DATED : JUNE 3, 2019

P.C.

1 Heard. By this appeal, the Appellant challenges the judgment and award dated 03.03.2014 passed by the Civil Judge, Senior Division, Oros, at Sindhudurg in LAR No.11/2006.

2 Considering the quantum involved in the present appeal, the first appeal is taken up for final hearing at the stage of admission itself.

3 In the present proceedings, the SLAO had issued Notification u/s.4 of the Land Acquisition Act, 1894 on 30.11.1999 for acquiring the respondent - claimant's land situated at village Shirval, Tq. Kankavali, District Sindhudurg for construction of security station of Puchh Cananl. After

following due process of law, the SLAO declared award dated 17.01.2003 u/s.11 of the said Act and awarded compensation of Rs.14568/- in favour of the respondent claimant.

4 Thereafter the SLAO issued notice dated 09.08.2005 u/s.12(2) of the said Act and it was served on the respondent claimants.

5 Being aggrieved by the award passed by the SLAO, the respondent claimant filed Reference u/s.18 of the said Act on 23.09.2005 claiming enhanced compensation of Rs.2,23,592/- and also statutory benefits.

6 The Reference Court, vide its judgment and award dated 03.04.2014 awarded compensation in respect of the acquired land @ Rs.600/- per are in favour of the respondent claimant.

7 It is to be noted that, the Reference Court has awarded additional compensation in respect of the acquired land to the tune of Rs.26,688/- as against sum of Rs.3782/- awarded by the SLAO.

8 The learned AGP for the Appellant submits that the Reference Court has awarded enhanced compensation in favour of the respondent claimant without considering the evidence on record. She submits that the Reference Court has not considered the sale deeds and/or judgment in the earlier matters at the time of deciding the market value of the acquired land. She submits that the compensation awarded by the Reference Court is on higher side. He submits that they have good chance of success in the matter. Hence, the judgment and award passed by the Tribunal is required to be set aside.

9 Considering the submissions made by the learned AGP and the impugned judgment and award, following point arise for my determination in this matter.

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

10 It is to be noted that in the present proceedings, the appellant had acquired the respondent's land situated at village Shirval, Tq. Kankavali, District Sindhudurg

for construction of security station of Puchh Cananl. The enhanced compensation in favour of the respondent – claimant is only to the extent of Rs.26,688/-. At the time of awarding the compensation, the Reference Court has considered the sale instances on the basis of Index of the year 1993. Bare reading of the judgment shows that the the appellant has failed to produce any cogent evidence before the Reference Court to show the exact market value of the acquired land. In any case, the compensation awarded by the Reference Court is meager. Therefore, there is no question of entertaining the present appeal.

11 Hence, the following order is passed:

- a. The First Appeal stands dismissed.
- b. In view thereof the civil application for stay stands dismissed as infructuous.
- c. As this order is passed only on the basis of the quantum, it shall not be treated as a precedent in any other matter.

(K.K.TATED, J.)