

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal No. 1204/2015
with
Civil Application No.3783/2015

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 Appellant

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

P.C.

1 Heard. By this First Appeal, the Appellant State of Maharashtra is challenging the judgment and award dated 02.05.2014 passed by the Civil Judge, Senior Division Sindhudurg at Oros in LAR No.12/2006 holding that the Respondent-Claimant is entitled to sum of Rs.38,389/- by way of additional compensation in respect of the acquired land.

2 In the present proceedings the SLAO issued Notification u/s.4 of the Land Acquisition Act, 1894 on 30.11.1999 for acquiring the Respondent-Claimant's land situate at village Shirval, Tq. Kankavali, Dist. Sindhudurg for

construction of security station of Puchh Canal. After following due process of law the SLAO declared award u/s.11 of the said Act on 17.01.2003 and awarded compensation in respect of the acquired land.

3 Being aggrieved by the said award, the Respondent-Claimant had preferred Reference u/s.18 of the said Act and claimed additional compensation of Rs.2,23,592/- in respect of the acquired land and other statutory benefits.

4 The Reference Court, considering the sale instances on record held that the Respondent-Claimants are entitled to compensation in respect of the acquired land @ Rs.600/- per Are. In this way the Respondent-Claimant has awarded additional compensation of Rs.38,389/- for the acquired land.

5 The learned AGP for the Appellant submits that at the time of awarding compensation in respect of the acquired land the Reference Court has failed to consider properly the sale instances on record and erred in coming to the conclusion that the Respondent-

Claimant is entitled to additional compensation in respect of the the acquired land to the tune of Rs.38,389/-. He submits that they have good chance of success in the matter. He submits that in view of these facts, this Hon'ble Court be pleased to admit the First Appeal and be heard on merits.

6 It is to be noted that in the present proceedings the SLAO acquired the Respondent-Claimant's land to the extent of 68.71 Are land for public project. Being aggrieved by the award passed by the SLAO, the claimant had preferred Reference u/s.18 of the said Act. The Reference Court, considering the market value of the acquired land awarded additional compensation of Rs.38,389/-. The amount awarded by the Reference Court is meager.

7 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."

8 Considering the submissions made by the learned counsel for the Appellant, the impugned judgment and award and in view of the apex court judgment cited

supra, I am of the opinion that admission of the First Appeal would not be in the interest of justice of the Respondent-Claimant.

9 Hence, following order is passed:

- a. The First Appeal stands dismissed summarily.
- b. No order as to costs.
- c. In view thereof, the Civil Application for stay stands dismissed as infructuous.
- d. As the present order is passed only on the basis of the meager amount involved in the matter, this order shall not be treated as the precedent in any other similar subject matter.

(K.K.TATED, J.)