

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

FIRST APPEAL NO.874 OF 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, A.G.P. for the appellant

**CORAM : K. K. TATED, J
DATE : MARCH 27, 2019**

P.C.:

. Heard.

2 Office note shows that First Appeal stands abated against Respondent no.1 Mangesh Pandurang Rane as per order passed by learned Registrar dated 29.03.2017.

3 By this First Appeal appellant State of Maharashtra is challenging the judgment and award dated 13.06.2013 passed by Reference Court in L.A.R.no. 59 of 2003 (Old L.A.R.No. 20 of 2003) holding that Respondent original Claimant are entitled additional compensation in respect of acquired land to the tune of

Rs.13,487/-.

4 In the present proceeding, Special Land Acquisition Officer issued notice under section 4 of the Land Acquisition Act dated 11.6.1992 for acquiring Respondent original Claimant's land situated at Village Kurli, al. Vaibhavwadi, District Sindhudurg for Devgad Medium Irrigation Scheme.

5 After following due process of law, Special Land Acquisition Officer declared award dated 30.03.1995 and awarded compensation in respect of acquired land.

6 Being aggrieved by the award passed by Special Land Acquisition Officer Respondent original Claimants preferred reference under section 18 of the Land Acquisition Act, 1894 and claimed compensation in respect of acquired land @ Rs.1,000/- per sq.metre. Reference Court considering the evidence on record held that Respondent original Claimant are entitled additional compensation @ Rs13,847/- Hence, appellant filed present First Appeal.

7 The learned A.G.P. for the Applicant submits that at the time of awarding compensation in respect of acquired land, Tribunal failed to consider sale instance on record. He further submits that in any case,

Reference Court has awarded enhanced compensation in respect of acquired land over and above market value. Hence, they have good chance of success in the present First Appeal.

8 It is to be noted that in the present proceeding, Reference Court awarded only additional compensation of Rs.13,487/- for acquired property.

9 Considering the fact that meagre amount of enhancement is granted by the Reference Court, I do not find any reason to entertain the First Appeal. In any case this order is not to be treated as a precedent in connected matter. Hence, following order is passed :

- a First Appeal stands rejected.
- b. This order not to be treated as precedent in connected matter.

(K.K.TATED, J.)