

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2579 OF 2015
IN
FIRST APPEAL (ST) NO. 47 OF 2013**

The State of Maharashtra
(Through Special Land Acquisition Officer) Applicant.

Vs.

Shri. Madhukar Rajaram Chavan Respondent.

Mr. A.R. Patil, AGP for the State.
None for the respondent.

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**CORAM : K.K.TATED, J.
DATED : AUGUST 19, 2019**

P.C.

Heard the Learned AGP Mr.Patil for the applicant.

2. By this Civil Application, applicant is seeking condonation of 228 days delay in filing the First Appeal challenging the Judgment and Award dated 31/01/2011, passed by the Learned Civil Judge, Senior Division, Sindhudurg at Oros in Land Reference No. 54 of 2003.

3. The Learned AGP for the applicant submits that they have good chances of success in the present matters. He submits that in the interest of

justice, this Hon'ble Court be pleased to condone the delay in filing the First Appeal. He submits that if delay is not condoned, irreparable loss would be caused to them.

4. It is to be noted that in the present case, delay is more than one year in filing the First Appeal. The impugned Judgment passed by the Reference Court on 31/01/2011. Thereafter, the applicant filed application for certified copy on 02/02/2011. Certified copy were made available on 09/02/2011. Thereafter, the applicant filed this First Appeal before this Court in the month of December, 2012.

5. In the present proceedings, the Reference Court passed impugned Judgment and Award, and awarded total additional compensation of Rs.19,704/- to the respondent/claimant in respect of the acquired land. The Special Land Acquisition Officer issued notification under Section 4 of the Land Acquisition Act for acquiring respondent's/claimant's land from Village Kalsuli, Taluka Kankavli, District Sindhudurg for public purpose i.e. for Dedonwadi Project under Minor Irrigation Scheme. After following due process of law, Special Land Acquisition Officer declared Award under Section 11 of the said Act dated 10/05/2001 and awarded compensation in respect of acquiring land.

6. Being aggrieved by the said award, the respondent/original claimant preferred Reference under Section 18 of the said Act and claimed additional compensation at the rate of Rs.3,000/- per Guntha alongwith all statutory benefits. On the basis of evidence on record and the previous judgment in Land Reference for acquired land from the same locality, the Reference Court awarded additional compensation of Rs.19,704/- in favour of the respondent/original claimant. This itself shows that Reference Court awarded meager amount to the claimant.

6. The Apex Court in the matter of *Airports Authority of India V/s. Satyagopal Roy and Ors, (2002) 3 Supreme Court Cases 527* held that for the meager amount, there is no question of admitting the matters. 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."

7. Considering the above mentioned facts and the compensation awarded by the Reference Court is meager, I do not find any reason to entertain the present Civil Application.

8. It is to be noted that the present Civil Application is dismissed only on the ground, that the Reference Court awarded meager amount in favour of respondent/original claimant. Hence, this order should not be treated as a precedent in other connected matters. Hence, the following order;

: ORDER :

- (a) Civil Application for condonation of delay stands rejected.
- (b) The institution of First Appeal (Stamp) No. 47 of 2013 stands rejected.
- (c) Civil Application No.2580 of 2013 for stay stands rejected.
- (d) No order as to costs.

(K.K.TATED, J.)