

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

**FIRST APPEAL (ST.) NO.1543 OF 2019
WITH
CIVIL APPLICATION NO.867 OF 2019**

The State of Maharashtra and Anr. .. Appellant

VS.

Shri Sudin Dattu Mhatre & Ors. .. Respondents

Ms.Tanaya Goswami, A.G.P. for the State

**CORAM : K. K. TATED, J
DATE : AUGUST 20, 2019**

P.C.:

. Not on board. At the request of advocate for the appellant, matter is taken on board for urgent orders.

2 Heard the learned A.G.P. for the Applicant.

3 By this First Appeal, appellant is challenging the judgment and award dated 5.9.2017 passed by learned Civil Judge, Senior Division, Alibag at Raigad in L.A.R.No.497 of 2016 holding that the Respondents original Claimants are entitled additional

compensation in respect of acquired land of Rs.18,447/-.

4 The learned A.G.P. for the appellant submits that in the present proceeding, Special Land Acquisition Officer issued notification under section 4 of the Land Acquisition Act, 1894 dated 24.9.1986 for acquiring Respondent original Claimants land from village Phunde, Tal. Uran, Dist.Raigad for New Bombay Project. She submits that after following due process of law, Special Land Acquisition Officer declared award under section 11 of the Land Acquisition Act dated 13.3.1989 holding that the Respondents original Claimants are entitled sum of Rs.303 in respect of acquired land.

5 Being aggrieved by the said award, Respondents original Claimants preferred Reference under section 28A(3) of the said Act on 24.2.2014 and claimed compensation @ Rs.2,000/- per sq.mtr. for acquired land. Reference Court after considering the evidence on record held that Respondents original Claimants are entitled additional compensation of Rs.18,447/-. The learned A.G.P. submits that Reference Court awarded enhanced compensation in respect of acquired land. She submits that in the interest of Justice, this Hon'ble court be pleased to allow the present First Appeal.

6 Considering the submissions made by the learned counsel for the Appellant, following issue is framed for determination of this court:

“Whether compensation awarded by the Reference Court is on higher side?” ... NO

7 It is to be noted that in the present proceeding, appellant acquired Respondent's land admeasuring 35.7 sq.mtr. for New Bombay project. Reference Court awarded compensation in respect of acquired land on the basis of L.A.R. from the same locality i.e. LAR No.630 of 2000. Considering these facts and the meagre amount awarded by the Reference Court, I am of the opinion that it is not necessary to admit the First Appeal.

8 It is to be noted that Apex Court in the matter of **Airports Authority of India vs. Satyagopal Roy and Others**¹ held that considering the small amount of compensation awarded to the claimant, there is no question of interference in the order passed by court below. Paragraph 15 and 16 of the said judgment 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 Basalingappa 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

1 (2002) 3 SCC 527

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."

9 Considering the meagre amount awarded by the Reference Court and the law declared by the Apex Court in the matter of **Airports Authority of India vs. Satyagopal Roy and Others** (Supra), there is no substance in the present First Appeal. Hence, following order is passed

- a. First Appeal stands dismissed.
- b. This order is passed only on the basis that Reference Court awarded meagre amount. Hence, it should not be treated as precedent in other connected matters.
- c. No order as to costs.
- d. In view thereof, Civil Application does not survive. The same also stands dismissed as infructuous.

(K.K.TATED, J.)