

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal (ST) No.13888/2011
with
Civil Application NO.4271/2011

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

CORAM: K.K.TATED, J.
DATED : AUGUST 13, 2019

P.C.

1 Mentioned. Not on board. At the request of the learned AGP, the matter is taken on board.

2 By this First Appeal, the Appellant challenges the judgment and award dated 29.10.2009 passed by the Civil Judge, Senior Division, Barshi, Dist. Solapur in LAR no.617/2002 holding that the Respondent-Claimant is entitled to additional compensation of Rs.23,225/- in respect of the acquired land.

3 In the present proceedings the SLAO issued Notification u/s.4 of the Land Acquisition Act, 1894 (said Act) for

acquiring the Respondent-Claimant's land situated at Bavi Village, Tq. Barshi, Dist. Solapur for Pimpalgaon Dhale, Medium Project.

4 After following due process of law the SLAO declared award u/s.11 of the said Act and granted Rs.85,005/- to the Respondent claimant.

5 Being aggrieved by the said Award, the Respondent-Claimant filed Reference u/s.18 of the said Act and claimed additional compensation of Rs.3 lacs. The Reference Court, after considering the evidence on record and previous judgment in LAR No.603/2002, 547/2002 and 869/2002 held that the Respondent-Claimants are entitled to additional compensation in respect of the acquired land @ Rs.75,000/- per hector i.e. total amount of Rs.23,225/-.

6 The learned AGP for the State submits that the Reference Court has erred in coming to the conclusion that the Respondent-Claimants are entitled to compensation of Rs.75,000/- per hector on the basis of previous judgments in LAR No.603/2002, 547/2002 and

809/2002. She submits that they have good chance of success in the matter. She submits that in the interest of justice, this Hon'ble Court be pleased to set aside the impugned judgment and award passed by the Reference Court.

7 Considering the submissions made by the learned AGP for the Appellant and the impugned judgment and award, following issue arise for my consideration:

“Whether the compensation awarded in favour of the claimant by the impugned judgment and award passed by the Reference Court is on higher side?”

8 It is to be noted that in the present proceedings, at the time of awarding the compensation of Rs.75000/- per hector, the Reference Court has relied on the judgment on the previous LARs arose from the same locality and for the same project. Apart from that the additional compensation awarded by the Reference Court is only to the tune of Rs.22,225/-. Meagre amount.

9 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.

10 Considering the submissions made by the learned AGP for the Appellant, the law laid down by the apex court and also the amount awarded by the Reference Court is a meager amount, I do not find any reason to entertain the First Appeal.

11 Hence, following order is passed:

- a. The First Appeal stands dismissed.
- b. No order as to costs.
- c. As this order is passed on the basis of the meager amount awarded by the Reference Court, this order shall not be treated as precedent in any other connected matter.
- d. Pending Civil Application, if any stands dismissed as infructuous.

(K.K.TATED, J.)