

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

FIRST APPEAL NO.773 OF 1994

The State of Maharashtra
v/s.

..Appellant

National Organic Chemical Industries Ltd.

..Respondents

Mr.Y.Y.Dabke, AGP for the Appellant.
None for Respondents.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 8th AUGUST, 2019.**

P.C.

1. The appeal is filed against the Judgment and Award dated 8th August, 1990 by the Joint District Court, Thane in LAR No. 24 of 1986. By the impugned Judgment and Award the District Court partly allowed the reference under Section 18 of the Land Acquisition Act and enhanced the compensation to Rs.10/- per sq.mtr.

2. The facts in brief, to appreciate the issue, are as under :

The Government had acquired a portion of land admeasuring about 10672 sq.mtrs. from several Gat numbers situated at Gothivali for the purpose of construction of Eastern side of Thane Belapur Road. The notification under Section 4(1) was published in the Official Gazette on 03/02/1970. By Award dated 20/09/1985 the Land Acquisition Officer awarded compensation of Rs.4.20 per sq.mtr. in respect of 10394 sq.mtrs. of land and Rs.2 per sq.mtrs. in respect of land admeasuring 278 sq.mtrs.

3. Being dis-satisfied with the quantum of compensation, the respondents sought reference under Section 18 of Land Acquisition Act. The Reference Court relying upon the Judgment in L.A.R. No. 34 of 1984 and L.A.R. No. 62 of 1986 enhanced the compensation of Rs.10/- per sq.mtr. Being aggrieved by the said Judgment and Award the State has preferred this appeal.

4. Heard the Learned AGP Shri Y.Y.Dabke. I have perused the records and considered the submissions advanced by the Learned AGP.

5. It is not in dispute that the acquired land is situated at village Gothivali, District Thane. It is in evidence that the acquired land was in close proximity of industrial area and was suitable for industrial, commercial as well as residential purpose. In determining the market rate of the acquired land, the Reference Court has relied upon the previous Judgments in the L.A.R. 34 of 1984 and L.A.R. No.62 of 1986. The Judgment at Exhibit-22 in L.A.R. No. 62 of 1986 is in respect of the land situated at Gothivali. The said land was also acquired for the same purpose by issuing notification under Section 4(1) on 04/02/1970. The Land Acquisition Officer had awarded compensation at the rate of Rs.4.20 per sq.mtr. which was enhanced by the Reference Court by Rs.12/- per sq.mtr.

6. The land which was the subject matter of L.A.R. No. 34 of 1984 is situated at Village Rabale. The said land was also acquired for the same purpose and the Reference Court has determined the market rate of the said land as Rs.10/- per sq.mtrs.

7. The Reference Court has recorded a specific finding that the land which is the subject matter of the present acquisition is located in the close proximity of the land which was the subject matter of L.A.R. No. 34 of 1984 and L.A.R. No.62 of 1984. The Reference Court has also recorded a finding that acquired land had similar potentiality and possess similar advantages and disadvantages as the land which is the subject matter of the L.A.R. No. 34 of 1984 and L.A.R. No. 62 of 1986. Hence, relying upon the said Judgments at Exhibit-21 and Exhibit-22 the Reference Court has enhanced the compensation to Rs.10/- per sq.mtr. The findings of the Reference Court are based on evidence on record. The market rate is determined by the Reference Court based on previous Judgments, does not warrant interference.

8. Under the circumstances, the Appeal is devoid of merits and is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)