

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

FIRST APPEAL NO. 799 OF 1994

The State of Maharashtra	Appellant
V/s.	
Ganpat Ramchandra Jadhav	Respondent

Mr. Y.Y. Dabke, AGP for the appellant.
Mr. A.S. Khandeparkar a/w. Rajdeep Gude for the respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 13th JUNE, 2019.**

ORAL JUDGMENT:-

. The appellant has challenged the judgment and award dated 05/11/1993 in Land Reference No.14 of 1990 passed by the Civil Judge, Senior Division, Ratnagiri at Sawantwadi.

2. The Government had acquired portion of land admeasuring 86.5 rr from Survey No.70 Hissa No.23 Village Oros for the purpose of Head Quarters of Sindhudurg District. The notification under Section 4 was published on 28/11/1989. The Land Acquisition Officer had awarded compensation @ Rs.200/- per rr (Guntha). Not being satisfied with the quantum of compensation, the respondent / original claimant filed reference under Section 18 claiming compensation @ Rs.1000/- per rr. The Reference Court, after considering the evidence

adduced by the respective parties, partly allowed the reference and held that the market rate of the acquired land as on the date of the notification was Rs.700/- per rr. Hence, the impugned judgment and award, the Reference Court directed payment of the balance compensation @ Rs.500/- per rr along with other statutory interest. Being aggrieved by this judgment and award, the Appellant - State has preferred this appeal.

3. Heard Mr. Y.Y. Dabke, learned AGP for the appellant and Mr. A.S. Khandeparkar, the learned counsel for the respondent. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

4. In the course of the hearing, the learned counsel for the respective parties have stated that by judgment dated 25/03/1995 in Land Reference No.31/1991 arising from the same notification, the Reference Court had determined market rate of the land at the rate of Rs.1000/- rr. The said judgment has been confirmed by the Division Bench of this Court in Appeal No.144/1996. The land which is the subject matter of the Land Reference No.14/1990 is situated in the same locality and was acquired for the same purpose. A perusal of the

judgment of the First Appeal No.144/1996 as well as the judgment in First Appeal No.150/1996 indicates that the market rate of the similar land has been held to be Rs.1000/- rr. In the instant case, the Reference Court has determined the market rate @ Rs.700/- rr.

5. Considering the above facts and circumstances, in my considered view, there is no reason to interfere with the judgment and award passed by the Reference Court. The Appeal is dismissed. The award passed by the Reference is confirmed.

(SMT. ANUJA PRABHUDESSAI, J.)