

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

FIRST APPEAL NO. 62 OF 1996
WITH
CIVIL APPLICATION (ST) NO. 5497 of 1990
WITH
CIVIL APPLICATION NO. 1414 OF 1997

The State of Maharashtra ..Appellant

v/s.

Pandharinath Sahadu Gavande ..Respondent

Mr.Yogesh Dabke for the Appellant/Applicant.
None for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 20th JUNE, 2019.**

ORAL JUDGMENT.

1. The State has challenged the Judgment and Award dated 11th February, 1994 passed by the third Addl. District Judge, Nashik in Land Reference No. 145 of 1988 under Section 18 of the Land Acquisition Act, 1894.

2. The Government had acquired a portion of the land surveyed under Gat No. 78 admeasuring 36 Ares belonging to the respondent

for submergence of the Waghad Dam. Notification under Section 4 of the Land Acquisition Act was issued on 4.2.1981 and the award was passed by the Land Acquisition Officer on 8.9.1986, awarding compensation at the rate of Rs.4000/- per hectare. The respondent accepted the compensation under protest and filed application under Section 18 of the Land Acquisition Act seeking enhanced compensation at the rate of Rs. 20,000/- per hectare. The Reference Court, after considering the evidence on record, enhanced the compensation to Rs.10,000/- per hectare. Being aggrieved by the impugned judgment, the State has preferred this appeal.

3. The learned AGP has placed on record copy of the judgment dated 6th September, 2007 passed by this Court in First Appeal No.54 of 1996 and other companion appeals arising from the same notification. This Court by detail judgment has dismissed all the connected appeals arising from the same notification/ acquisition.

4. The present appeal is totally covered by the judgment dated 6th September, 2007, which clearly records that the market rate

determined by the Land Reference Court was just and reasonable.

5. Considering the above facts and circumstances, in my considered view, this appeal has no merits and is accordingly dismissed.

6. The civil applications stand disposed of, in view of dismissal of the appeal.

(ANUJA PRABHUDESSAI, J.)