

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal No.630/2019

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

CORAM : K.K.TATED.J.
DATED : JUNE 24, 2019

P.C.

1 Heard. By this appeal, the Appellant State of Maharashtra is challenging the judgment and award dated 03.12.2013 passed by the 2nd Jt. Civil Judge, Senior Division in LAR No.187/2004 holding that the Respondent-Claimants are entitled to sum of Rs.12539/- by way of additional compensation in respect of the acquired land.

2 The learned AGP submits that in the present proceedings the SLAO issued Notification u/s.4 of the Land Acquisition Act, 1894 on 30.10.2002 for acquiring the Respondent-Claimant's land from village Harsul, Tq. & Dist. Nashik for Minor Irrigation Project of Waigholpada Right Canal. She submits that after following due

process of law the Special Land Acquisition Officer declared award on 14.07.2003 and awarded sum of Rs.3,771/- by way of compensation in respect of the acquired land. She submits that being aggrieved by the said award, the claimant claimed additional compensation. The Reference Court by impugned judgment and award held that the Respondent-Claimants are entitled to compensation of Rs.12539/- towards the value of the acquired land. The Reference Court awarded compensation @ Rs.2,33,000/- per hector. She submits that the Reference Court has awarded additional compensation to the Respondent-Claimant is on higher side and without considering the sale instances on record at the time of passing the award. Hence, the impugned judgment and award is liable to be set aside.

3 After hearing the learned AGP, following issue arises for my determination:

*“Whether the compensation awarded by the Tribunal is on higher side?” – **No***

4 In the present proceedings the Reference Court has awarded compensation in respect of the acquired land, considering the earlier judgment in the matter in which the land was acquired from the same village

i.e. Exhibit 21. In that matter, the land from village Harsul and Satpavli was acquired by issuing Notification u/s.4 of the said Act on 01.10.2002. In that matter, the compensation was awarded @ Rs.1,86,000/- per hector.

5 As the Reference Court has decided the market value on the basis of the earlier judgment, there is no question of holding that the compensation awarded in respect of the acquired land is on higher side. There is no pleading either before the Reference Court or before this court, that the State of Maharashtra has preferred any appeal against the said judgment and award at Ex.21. Therefore, the compensation awarded by the Reference Court is as per the market value. Hence, I answer the issue in the negative and pass the following order.

A. The First Appeal is summarily dismissed on the ground of meager amount is awarded.

B. This order shall not be treated to be precedent in any other matter.

C. In view of dismissal of the First Appeal, the Civil Application does not

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survive. Same stands dismissed as
infructuous.

D. No order as to costs.

(K.K.TATED, J.)