

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 770 OF 2000

The State Of Maharashtra (Through The Special
Land Acquisition Officer, Zilla Parishad) Nashik ...Appellant

Versus

Shri Bhika Shaba More (deceased) through his
LR And Anr. ...Respondents

**WITH
INTERIM APPLICATION NO. 2566 OF 2022
IN
FIRST APPEAL NO. 770 OF 2000**

Ms. Tanaya Goswami, AGP for Appellant/State.
None for the Respondents.

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RAHAMAN
NADAF

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CORAM : M.M. SATHAYE, J.

DATE : 6th DECEMBER, 2023

P.C. :

1. This is Appeal by State U/s. 54 of the Land Acquisition act, 1894 ("**the said Act**" for short) challenging the Judgment and Order dated 25/10/1999 passed by Joint District Judge, Nashik in Land Reference No. 407 of 1991. By the said impugned Order, the Reference Court has granted total enhancement of Rs.30,329/- in favour of Respondents/Claimants.

2. Few facts for disposal of this Appeal arise as under. Predecessor of present Respondents/Claimants was owner of land Gat No. 45 situated at village Rasegaon, Tal. Dindori, Dist. Nashik. The said land

was acquired for construction of percolation tank. The Notification U/s. 4 of the said Act was published in Government Gazette on 16/05/1985. The concerned Special Land Acquisition Officer (“SLAO” for short) declared the Award on 18/09/1986, and granted meager amount of Rs.7,814/- in favour of Respondents.

3. Being aggrieved and dissatisfied by the said Award, claimant/s filed the aforesaid reference. The learned Reference Court after considering the evidence on record and after hearing both sides, has granted enhancement to the tune of Rs.30,329/- which means that an additional amount of Rs.22,515/- is awarded.

4. Learned AGP for the State has assailed the impugned Judgment and Order as per various grounds raised in the Appeal memo. None for the Respondents.

5. I have carefully considered the impugned Judgment and Order and reasons given therein to arrive at the amount of additional compensation granted. The reasons are well founded. The original amount granted by the SLAO of Rs.7,814/- and enhanced amount granted of Rs.30,329/- are both meager amounts. The Reference Court has considered comparable sale instances, as well as other material on record to arrive at the figure of enhanced compensation. In that view of the matter, no fault can be found with the impugned Judgment and Order. There is no merit in the Appeal.

6. Facts of this case are more or less similar to a group of First Appeals disposed of by another Single Bench of this Court with lead First Appeal No. 208 of 1992 along with others under Order dated

03.04.2017 (CORAM : M.S. SONAK, J.). I am completely in agreement with the view taken by my brother Judge in the said Order. It has to be noted that state compulsorily acquires lands of the citizens like Respondent/Claimant and despite the compensation amount being so paltry / meager, the State carries the matters in appeal. In many cases, it is found that on account of pendency of the Appeal (primarily because no steps are taken by the State to effect service or bring legal heirs on record or reasons alike), the Respondent/Claimant remains deprived of even meager amounts of compensation awarded to them. It is also sadly noted that the State Government in such Appeals, spends amounts on Court fees, typing and other filing expenses and legal fees which are either comparable to the existing amounts of compensation involved or more. In many cases it is found that the AGPs express their helplessness because despite communication/s the concerned Government officers do not come forward and take responsibility by clearly stating whether a particular Land Reference case is falling under relevant GRs (including G.R. dated 03.11.2016 with Corrigendum dated 23.02.2017, 04.05.2017 and 11.05.2018) and whether the Appeal should be prosecuted or not in view thereof. It is further sadly noted that the general perception seems to be, *firstly* that the claims which are held against Government or Statutory Authority must be viewed as illegal and therefore should be resisted and fought up to the highest Courts and *secondly*, that if a decision on the issue could be avoided or is to be avoided, then it is simply not taken so that aggrieved party can approach the Court and let the Court take the decision. This results in clogging of the judicial system and also eats

into the valuable judicial time. In view thereof I find that this is a fit case for dismissal.

7. Hence the Appeal is dismissed. No order as to costs. In view of the dismissal of Appeal, the Respondents/Claimants are at liberty to withdraw the amount of compensation, if deposited by the State in the Reference Court along with accrued interest, if not already withdrawn.

8. In view of the dismissal of the Appeal, the remaining pending Interim Application No. 2566 of 2022 (for issuing fresh notice to Respondent No.1B) also stands dismissed. No order as to costs.

9. All concerned to act on authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)