

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

**CIVIL APPLICATION NO.707 OF 2017
WITH
FIRST APPEAL (ST.) NO.41809 OF 2003**

The State of Maharashtra and Anr. .. Applicant

VS.

Ganpati Daulu Patil and Anr. .. Respondents

Ms.Geeta Mulekar, A.G.P. for the applicant

**CORAM : K. K. TATED, J
DATE : AUGUST 14, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant is seeking condonation of 2 years 100 days delay in filing First Appeal challenging the judgment and award dated 31.3.2001 passed by IInd Additional District Judge, Kolhapur in L.A.R.No.47 of 1992 holding that Respondents original Claimants are entitled additional compensation in respect of acquired land to the tune of Rs.7,507/-.

3 The learned A.G.P. submits that they have good chance of success in the present matter. She submits that it remained on the part of learned District Government Pleader to give opinion to file present Appeal before this court. She submits that in the interest of Justice, this Hon'ble court be pleased to condone the delay in filing First Appeal.

4 It is to be noted that in the present proceeding, Special Land Acquisition Officer, issued notification under section 4 of the Land Acquisition Act, 1894 dated 11.8.1993 for acquiring Respondent original Claimants land admeasuring 80 Ares land for Resettlement of poroject affected persons under Dudhganga Project from Kolhapur. Thereafter, Special Land Acquisition Officer declared award and awarded compensation in respect of acquired land. Being aggrieved by the said award, Respondent / Claimant preferred reference under section 18 of the Land Acquisition Act and claimed enhanced compensation. Reference Court after considering the evidence on record held that Claimants are entitled Rs.7,507/- compensation.

5 It is to be noted that Apex Court in the matter of **Airports Authority of India vs. Satyagopal Roy and Others**¹ held that considering the small amount of compensation awarded to the claimant, there is no question of interference in the order passed by court below. Paragraph 15 and 16 of the said judgment reads thus:

1 (2002) 3 SCC 527

“15. However, it is true that this Court in State of Madras v. Rev. Brother Joseph [AIR 1973 SC 2463] refused to interfere with the award on the ground that the compensation awarded was meager. Similarly, in Special Land Acquisition Officer, Malaprabha Dam Project, Saundatti and Others v. Madivalappa Basalingappa Melavanki and Others [(1995) 5 SCC 670], this Court refused to interfere where compensation was determined on the basis of annual yield of agricultural land by application of 15 years' multiplier on the ground that the small area of land was acquired and approved the order of the High Court in which it was observed that "it is hardly appropriate to interfere with the award notwithstanding the discernible blemish pointed out by the learned Government Pleader" and also held thus:

"However, it would not operate as a precedent to any future case or other cases arising from the same notification. All cases need to be decided applying only 10 years' multiplier."

16. In the present case also, considering the small amount of compensation awarded to the claimants, we do not think that this would be a fit case for interference in this appeal. Hence, the appeal is dismissed with no order as to costs.”

6 In view of these facts, I am of the opinion that there is no question of entertaining the present Civil Application. Hence, following order is passed:

- a. Civil Application for condonation of delay stands rejected.
- b. In view thereof, nothing survives in the

First Appeal (St.) No.14809 of 2003.
Hence, registration of First Appeal stands rejected.

- c. This order should not affect other First Appeals which are arising out of same notification for the same project because this order is passed only on the basis of meagre amount.

(K.K.TATED, J.)