

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO.33 OF 2009

The Executive Engineer, Upper Painganga Project, Division II, Umarkhed, Dist. Yavatmal
-vs-

Shankar s/o Jalbaba Raote (dead) Thr. LR Godavaribai Shanakr Raote and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri M. R. Johrapurkar, Advocate for appellant.
Ms H. N. Prabhu, AGP for respondent Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.

DATE : January 22, 2019

In this appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short, the said Act) the judgment of the Reference Court partly enhancing the amount of compensation from 43,000/- per hectare to Rs.50,000/- per hectare is under challenge.

2. Land admeasuring 0.44 R from Survey No.58/1 was acquired pursuant to Notification issued under Section 4 of the said Act on 03/08/1998. The Land Acquisition Officer granted compensation at the rate of Rs.43,000/- per hectare. In the reference proceedings it was noted by the learned Judge of the Reference Court that the Land Acquisition Officer classified the entire land on the basis of their fertility and the land revenue paid. The Reference Court enhanced the amount of compensation partly and granted a sum of Rs.50,000/-

per hectare.

3. Admittedly enhancement by the Reference Court is only to the extent of Rs.7000/- per hectare. The marginal enhancement in the amount of compensation has been granted by the Reference Court after considering the evidence on record. As per the policy decision being followed by the appellant, if the enhancement by the Reference Court is less than 1/4th times of the amount of compensation awarded by the Land Acquisition Officer, the Corporation does not pursue such proceedings.

4. In the light of the additional fact that admittedly the enhancement as granted by the Reference Court is much less than 1/4th times the compensation granted by the Land Acquisition Officer, it is not found necessary to interfere with the impugned judgment. Hence the judgment of the Reference Court is confirmed.

5. The First Appeal is accordingly dismissed with no order as to costs. The claimants are at liberty to withdraw the balance amount of compensation with accrued interest.

JUDGE