

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO.380 OF 2004

The State of Maharashtra,
Through SLAO, U.T.P.H.
Jalgaon.

.. APPELLANT
[Ori. Opponent]

VERSUS

Karim Guljar,
Age 50 Years, Occu.Agri.
R/o. Lohari Bk. Tal. Pachora,
Dist. Jalgaon.

.. RESPONDENT
[Ori. Applicant]

...

Mr.S.S.Dande, AGP for the appellant – State

...
CORAM : S.G.DIGE, J.
DATE : 10.10.2022

ORAL JUDGMENT :

1] This appeal is preferred by the State against enhancement of the compensation awarded by the Joint Civil Judge Senior Division, Jalgaon [for short ‘the Reference Court’].

Brief facts of the case are as under:-

2] The land of the respondent was acquired for construction of Bahula dam, situated at village Lohari Bk.

Taluka Pachora, District Jalgaon. The Special Land Acquisition Officer [for short 'SLAO'] has awarded compensation of Rs.10,000/- per hector i.e. total compensation given to the respondent. Respondent filed claim petition for enhancement of the amount before the Reference Court. The Reference Court has granted compensation of Rs.59,520/- to the total land i.e. 1 H. 24 R. i.e. Rs.48,000/- per Hector. Against the said judgment and order, this appeal.

3] It is the contention of the learned AGP for the appellant – State that the Reference Court has considered sale instance, which is at Exhibit-11, for enhancement of the amount. The Reference Court has committed an error in relying upon the said sale instance, which is of different village, having different potentials. The Reference Court has enhanced compensation, which is excessive, hence, requested to allow the appeal.

4] Though the respondent is served, none appears for the respondent. The appeal is of the year 2004, hence, I

am deciding this appeal on merit.

5] I have heard the learned AGP. Perused the judgment and order passed by the Reference Court. It is the contention of the appellant that the excessive compensation is awarded by the Reference Court. The SLAO has awarded total compensation of Rs.26,164/- to the respondent whereas the Reference Court has enhanced it to Rs.59,520/-, which is marginally more than twice of the amount of compensation awarded by the SLAO, hence, it cannot be said that the compensation is excessive. I do not find any merit in the contention of the learned AGP that the compensation granted by the Reference Court is excessive. The Reference Court has passed well reasoned order while enhancing the compensation.

6] In respect of the interest under Section 28 and 34 of the Land Acquisition Act, the Reference Court has awarded it from the date of possession. As per the view taken by the Full Bench of this Court in the case of **State of Maharashtra Vs. Kailash Shiva Rangari** reported in 2016 [3]

Mh.L.J. 457, the interest should be from the date of award.

In view of the above, I pass the following order :-

ORDER

i] Appeal is partly allowed.

ii] There is no interference in the compensation awarded by the Reference Court in respect of the land of the respondent.

iii] The respondent is entitled for the interest under Section 28 of the Land Acquisition Act from the date of award.

iv] Appeal is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC