

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

FIRST APPEAL NO. 1008 OF 1992

The State of Maharashtra Appellant
v/s.
Dattatraya Mahadeo Rede and ors. Respondents

Ms. Tanaya Goswami, AGP for the State.

Mr. Swapnil R. Vighne i/b. Mr. Milind Deshmukh for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 14th OCTOBER, 2022.

P. C. :-

1. By this Appeal, under section 54 of the Land Acquisition Act, the Appellant – State assails the impugned judgment and award dated 22/11/1991 in Land Reference No.139/1989. By the impugned judgment, the Reference Court partly allowed the reference under section 18 of the Land Acquisition Act and enhanced the compensation awarded by the Land Acquisition Officer from Rs.14,000/- per hectare to Rs.25,000/- per hectare.

2. The brief facts necessary to decide this Appeal are as under :-

3. The Appellant – State had acquired land admeasuring 5H 93R from Gat No.1239 of village Mahalung for the purpose of Ujani Right

Bank Canal. The Land Acquisition Officer declared the award on 13/02/1984 and offered compensation at the rate of Rs.14,000/- per hectare. Being dissatisfied with the quantum of compensation awarded by the Land Acquisition Officer, the Respondent – claimant filed reference under section 18 of the Land Acquisition Act claiming compensation at the rate of Rs.50,000/- per hectare. The Reference Court upon considering the evidence adduced by the Respondent – Claimant, enhanced the compensation to Rs.25,000/- per hectare. Being aggrieved by this judgment and award, the State has filed this Appeal.

4. Heard learned AGP for the State. I have perused the records and considered the submissions advanced by learned AGP

5. The Reference Court held that the evidence adduced by the claimants indicate that the market value of the land in the vicinity varied from Rs.15,000/- per hectare to Rs.60,000/- per hectare. Relying upon the sale instance of 29/11/1977 which was held to be a comparable instance, the Reference Court enhanced the compensation to Rs.25,000/- per hectare.

6. The Reference Court has enhanced the compensation on the basis of the sale instances and other evidence on record. Moreover, the enhanced compensation is less than four times the compensation offered by the Land Acquisition Officer. Hence, the case would be squarely covered by GR dated 03/11/2016.

7. Considering the above facts and circumstances, I am not inclined to interfere with the impugned judgment. Hence, the Appeal is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)