

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

FIRST APPEAL NO.734 OF 1996

The State of Maharashtra	...Appellant
Versus	
Narayan Balvant Sawant	...Respondent
...	
Ms Tanaya Goswami, AGP for the Appellant-State.	
None for the Respondent.	

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 18th AUGUST, 2022.

P.C.:-

1. By this appeal, the State Government has challenged the judgment and Award dated 05/04/1994 passed by the learned C.J.S.D., Ratnagiri in Land Reference No. 26 of 1991. By the impugned judgment, the Reference Court has enhanced the compensation at Rs.8,000/- per Are with interest and other statutory benefits.

2. The brief facts necessary to decide the appeal are as under:-

The State Government had acquired portion of land admeasuring 2 R from Survey No.64/5 situated at Sawantwadi, District-Sindhudurg for the purpose of widening the highway. Notification under Section 6 of the Land Acquisition Act, 1894 was

published in the official gazette on 26/11/1987. The Land Acquisition Officer passed an Award on 08/12/1989 and offered compensation @ Rs.1200/ per Are. The Claimant received the said compensation under protest and filed an application under Section 18 of the Land Acquisition Act, for enhancement of the compensation. The Reference Court upon considering the evidence adduced by the respective parties enhanced the compensation to Rs.8,000/- per Are. Being aggrieved by this order, the State has filed this appeal.

3 I have perused the records and considered the submissions advanced by the learned AGP for the Appellant-State.

4. It is not in dispute that the subject land was situated along the Bombay-Goa highway. It is also in evidence that the acquired land is 200 feet away from ST stand and was located within the town area and had commercial potentiality. The Reference Court has observed that the Claimant had not relied upon any sale instance to prove his contention that market rate of the acquired land is Rs.15,000/- per Are. The Reference Court has observed that the sale instances relied upon by the State showed that the market rate of the land in the vicinity was Rs.6,000/- to Rs.7,000/- in the year 1983 to 1987. Considering the

said fact and location and potentiality of the land, the Reference Court enhanced the compensation to Rs.8,000/- per Are.

5. It is well settled that determination of market value of the land involves guess work to some extent. In the instant case, as stated earlier, the Reference Court has determined the compensation after considering the nature, location and potentiality of the land. Considering this aspect and also considering the fact that the compensation awarded is very meager, I am not inclined to interfere with the impugned judgment. Hence, the appeal is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)