

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

FIRST APPEAL NO.685 OF 1997

The State of Maharashtra

...Appellant

Versus

Mahadeo Raghunath Padval deceased
through his legal heirs:-

Smt. Smruti Gautam Padval and Anr.

...Respondents

...

Ms Tanaya Goswami, AGP for the Appellant-State.
None for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th OCTOBER, 2022.

P. C. :-

1. This is an appeal under Section 54 of the Land Acquisition Act, 1894 assailing Judgment and Award dated 27/03/1996 in Land Reference No.136 of 1994. By the impugned Judgment, learned Joint Civil Judge, Senior Division, Ratnagiri has allowed the Reference under Section 18 of the Land Acquisition Act and enhanced the compensation to Rs.2,500/- per R.

2. Heard Ms Tanya Goswami, learned AGP for the Appellant-State. None for the Respondents. I have perused the records.

3. The State Government had acquired the land admeasuring 10 R from Survey No.1, Hissa No.14-A and 0.2 R from Hissa No.16 situated at village Velagar, Shiroda, Taluka-Vengurla for the purpose of development of tourism. Notification issued under Section 4 of the Act was published in the official gazette of the State of Maharashtra on 07/02/1991. The Land Acquisition Officer passed an Award on 31/01/1994 offering compensation of Rs.300/- per R. Not being satisfied with the amount of compensation, the Respondent made a reference under Section 18 of the Land Acquisition Act. Upon considering the evidence adduced by the Respondent -Claimant, Reference Court enhanced compensation of Rs.2,500/- per R. Being aggrieved by this order, the State has preferred this appeal.

4. It is not in dispute that the land of the Respondent-Claimant is situated near the seashore and the same was acquired for development of tourism. It is well known that the land situated near the seashore is always in demand. The Reference Court has observed that Land Acquisition Officer has failed to consider the advantageous loacation of the acquired land while determining the market rate. The Reference Court has observed that the sale deeds of the year 1991 were not available and relied upon sale deed dated 22/09/1993 in respect of

the land in the vicinity for the purpose of determining market rate. By the said sale deed the land in the vicinity was sold @ Rs.3000/- per R. Considering the fact that the notification was of the year 1991, the Reference Court has determined the market rate of the acquired land at Rs.2,500/- per R. I do not find any infirmity in the impugned order. Moreover, total compensation payable to the Claimant inclusive of statutory benefit is Rs.41,776/-. The impugned judgment therefore does not warrant any interference. Hence, the appeal is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)