

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

**FIRST APPEAL NO. 133 OF 1994
WITH
CIVIL APPLICATION NO. 4914 OF 1995
IN
FIRST APPEAL NO. 133 OF 1994**

The State of Maharashtra	 Applicant
v/s.	
Shri. Shashikant Babaram Salvi	 Respondent

Mr. A.R. Patil, AGP for the Appellant – State.
Mr. S.B. Shetye a/w. Sarika Shetye for the Respondent.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th JULY, 2022.

P. C. :-

. This is an Appeal under section 54 of the Land Acquisition Act challenging the judgment and award dated 12/02/1993 in Land Acquisition Reference No.13/1990. By the impugned judgment, the learned Civil Judge, Senior Division, Ratnagiri has enhanced the compensation @ Rs.50,000/- per ARE with interest and other statutory benefits.

2. Heard learned AGP and learned counsel for the Respondents – original claimants. I have perused the records and considered the

submissions advanced by the learned counsel for the respective parties.

3. The land admeasuring 3.2 ARE from Survey No.353 within the municipal limits of Ratnagiri town was acquired for the purpose of construction of new road from Shivajinagar Bus Stop to I.T.I., Ratnagiri. The notification under section 6 of the Land Acquisition Act r/w. Section 126(4) of the Maharashtra Regional Town Planning Act, 1956 was issued on 18/07/1988. The Land Acquisition Officer passed an Award on 31/03/1990. The Land Acquisition Officer awarded total compensation of Rs.3,185/- in respect of the land admeasuring 3.2 R. The amount includes interest, solatium and other statutory benefits. Being dissatisfied with the quantum of compensation, the Respondents – claimants filed reference under section 18 of the Land Acquisition Act claiming total compensation of Rs.48,000/- with interest and other statutory benefits.

4. The claimant examined himself and produced sale instances at Exhibit – 25 and Exhibit – 26 and also relied upon the Judgment and Award (Exhibit – 31) in Land Reference No.24/1990 which was in respect of land acquired for the same purpose. The evidence adduced by the claimants reveals that the acquired land was within the limits of

Ratnagiri Municipality. All amenities such as bus stop, stadium, market, hospital, etc. were in the close vicinity of the acquired land. The sale deed at Exhibit – 25 relates to the land admeasuring 444.33 sq.meters which was sold for Rs.45,000/- i.e., @ Rs.10,000/- per ARE. Whereas the sale deed at Exhibit – 27 relates to the land admeasuring 3.5 ARE sold for Rs.52,500/- i.e., @ Rs.15,000/- per ARE. Apart from these two sale deeds, the claimant has also relied upon the judgment and award in Land Reference No.24/1990 which was in respect of the land under Survey No.315, Hissa No.6/21, admeasuring 4.8 ARE acquired for the same purpose and under the same award. By the said judgment and award (Exhibit – 31), the Reference Court had determined the value of the acquired land at Rs.13,000/- per ARE. The Reference Court has determined the value of the land at Rs.15,000/- even though the market rate of the land in the Land Reference No.24/1990 acquired by the same Award was fixed at Rs.13,000/- per ARE. The Reference Court has not assigned reasons for enhancing the compensation from Rs.13,000/- to Rs.15,000/-. In the absence of such reasons, in my considered view, the Reference Court was not justified in enhancing the compensation to Rs.15,000/- per ARE.

5. Under the circumstances and in view of discussion supra, the

Appeal is partly allowed. The market rate in the acquired land is slated down to Rs.13,000/- per ARE. Suffice it to say that the claimants shall be entitled for interest and all other statutory benefits under the Act. Award to that extent is modified. Pending Civil Applications stand disposed of in view of disposal of the Appeal.

(SMT. ANUJA PRABHUDESSAI, J.)