

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

FIRST APPEAL NO. 1007 OF 1992

The State of Maharashtra Appellant
v/s.
Ismail Baban Dange (since deceased
through legal heirs) :
Karim Ismaili Dange and ors. Respondents

Ms. Tanaya Goswami, AGP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 14th OCTOBER, 2022.

P. C. :-

. 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.140/1989. 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 1H 31R

from Gat No.1243 of village Pandharpur for the purpose of Right Ujjani Bank Canal. The Land Acquisition Officer declared the award on 12/02/1984 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 records reveal that the acquired land was irrigated Bagayat Land. The Respondent – claimant was growing crops like gram, wheat, jawar in the said land. The Respondent – claimant had claimed that the market rate of the acquired land was Rs.50,000/- per hectare. He had placed reliance upon the sale deeds dated 29/11/1977, 09/06/1982, 12/07/1982 and 24/04/1986. The Reference Court has

recorded a finding that the sale instance of the year 1977 was a comparable sale instance and relying upon the said sale instance, has enhanced the compensation to Rs.25,000/- per hectare.

6. The enhanced compensation determined by the Reference Court is based on the 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.

PREETI
H JAYANI

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(SMT. ANUJA PRABHUDESSAI, J.)