

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

FIRST APPEAL NO. 37 OF 1998

The State of Maharashtra ..Appellant.

v/s.

Bhima S. Mate & Ors. ..Respondents

Mr. Y.Y.Dabke, AGP for the State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 11th NOVEMBER, 2022.**

P.C.

1. The Appellant State has challenged the judgment and Award dated 11.9.1995 passed by the Reference Court in Land Reference No. 749 of 1990. By the impugned judgment the Reference Court has partly allowed the reference and enhanced the compensation from Rs.43,825/- to Rs.1,31,237/- .

2. The State Government had acquired the land admeasuring 95 R and 142 R from Gut No. 685 at Village Murambi, for the purpose of Nandur Madeshwar Project . Section 4 notification was published on 16.8.1988. The Land Acquisition Officer awarded compensation at the rate of Rs.8500/- per hectare in respect of Group- I, Rs.9000/- in respect of Group II, Rs.10,000/- in respect of Group-III and Rs.11,000/- in respect of Group IV. Not being satisfied by the quantum of

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compensation, the Respondent filed Reference under Section 18 of the Land Acquisition Act. After considering the evidence on record and relying upon the judgment at Exhibit 13 in Land Reference No. 201 of 1988, the Reference Court enhanced the compensation to Rs.28,000/- in respect of Group I and 2; and Rs.30,000/- in respect of Group III and IV respectively. Being aggrieved by the said judgment, the State has filed this appeal.

3. The judgment, on the basis of which the Land Reference Court has determined the market rate, is in respect of the similar land in the same vicinity. The said judgment has been confirmed by the Division Bench of this Court by judgment dated 20.1.2011 in First Appeal No.348 of 1991 and other group matters. Under the circumstances, the impugned judgment does not warrant any interference. Hence, the appeal is dismissed. Compensation deposited by the Appellant be paid to the Respondent Claimants along with accrued interest.

(ANUJA PRABHUDESSAI, J.)