

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

FIRST APPEAL NO. 36 OF 1998

The State of Maharashtra Appellant
v/s.
Popat Ananda Mate and ors. Respondents

Ms. Tanaya Goswami, AGP for the State.
Mr. P.B. Shah for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th NOVEMBER, 2022.

P. C. :-

. This is an Appeal against the judgment dated 11/09/1995 passed by the Joint District Judge, Nashik in Land Reference No.748/1990.

2. The brief facts necessary to decide this Appeal are as under :-

The State Government had acquired land admeasuring 3H 49R from Gat No.638 of Village Murambi, Taluka Igatpuri, Dist. Nashik for the purpose of construction of Nandur Madheshwar Project. The notification under section 4 was published in the official gazette on 16/08/1988. The Land Acquisition Officer declared the award on 06/03/1988 and offered total compensation of Rs.66,358/-. Not being satisfied with the quantum of compensation, the Respondent – claimant filed reference under section 18 of the Land Acquisition Act.

3. The Reference Court relied upon the previous award in Land Reference No.201/1988 in respect of the land from the same vicinity and enhanced the compensation to Rs.1,87,939/-. The amount enhanced by the Reference Court is less than 04 times awarded by the Reference Court. Hence, the case is squarely covered by G.R. dated 03/11/2016.

4. Be that as it may, the Reference Court has determined the compensation on the basis of previous judgment in Land Reference No.201/1988. It is not in dispute that the previous judgment and award is in respect of similar land in the same locality, having similar advantages and disadvantages. The previous acquisition was about 1 and $\frac{1}{2}$ year prior to section 4 notification. Considering the time gap between the previous acquisition and the present notification, the Reference Court has added 10% towards increase in price of land and determined the market rate of Jirayat land at Rs.28,000/- per hectare and Rs.30,000/- and Rs.32,000/- in respect of the land classified under Group III and IV. The Reference Court has not erred in determining the compensation on the basis of the previous judgment.

5. Considering the above facts and circumstances, the impugned judgment does not warrant any interference. Hence, the Appeal is dismissed.

**PREETI
H JAYANI**

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(SMT. ANUJA PRABHUDESSAI, J.)