

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

FIRST APPEAL NO.155 OF 1992

The State of Maharashtra

...Appellant

Versus

Maruti Dhondi Sargar and Ors.

...Respondents

....

Ms Tanaya Goswami, AGP for the Appellant-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 23rd JUNE, 2022.

P.C.:-

1. This is an appeal under Section 54 of the Land Acquisition Act, 1894 assailing judgment dated 18/03/1991 passed in L.A.R. No.151 of 1990.

2. The State Government had acquired the land under Gat Nos.466 and 467 of Village Kole for percolation tank. Section 4 Notification was issued on 25/11/1981. The L.A.O. awarded compensation of Rs.8,000/- per hectare for Jirayat land and Rs.12,000/- per hectare for Bagayat land from Gat No.466 whereas Rs.6,000/- per hectare for Jirayat land and Rs.9,000/- for Bagayat land from Gat No.467. Not being satisfied with the quantum of compensation, the Respondent land owners filed reference under Section 18 of the Land Acquisition Act,

1894.

3. The Reference Court after considering the evidence on record enhanced the compensation at Rs.16,000/- per hectare for 90R Bagayat land and at the rate of Rs.9,000/- per hectare for 36 R of Jirayat land acquired by the Government. The total compensation awarded is Rs.17,640/- with interest and other statutory benefits.

4. The records reveal that the Reference Court has determined the market rate after considering the sale instances dated 04/11/1968, 19.8.1982 and 01.06.1982. The Respondents had not disputed genuineness of these sale deeds. The Reference Court has enhanced the compensation on the basis of the above sale transactions. The State has challenged the judgment of the Reference Court though the compensation awarded is very meager. The land holders, particularly agriculturists, who are deprived of their livelihood by such acquisition cannot afford exorbitant cost of litigation which would be much more than the amount awarded by the Land Acquisition Officer or determined by the Reference Court. The approach of the State Government in challenging such Award is not reasonable.

5. Considering the above facts and circumstances, I do not find any reason to interfere with the impugned judgment and Award. Hence, the appeal is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

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