

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

FIRST APPEAL NO. 670 OF 1998

The State of Maharashtra ..Appellant.

v/s.

Shri Laxman Savliram Ahire & Ors. ..Respondents

Ms. Tanaya Goswami for the Appellant/Applicant.
None for the Respondent.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 16th NOVEMBER, 2022.**

P.C.

1. The Appellant State has challenged the judgment and Award dated 29.11.1996 (in LAR No.482 of 1990) passed by the Joint District Judge, Nashik.

2. The Appellant State has acquired portion of land admeasuring 0.17R from Gat No.300/B of Village Palkhed, for the purpose of construction of Canal at Ranvar. The notification under Section 4 was published in the Official Gazette on 26.03.1987. The Land Acquisition Officer declared the Award on 30.09.1988 and awarded compensation @ Rs.22500/- to Rs.25,000/- per Hectare. The Respondent Claimant accepted the compensation under protest and filed a reference under Section 18 for enhanced compensation @ Rs.1,00,000/- for Bagayat land and Rs.75,000/- for Jirayat land. The Reference Court, after

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considering the evidence on record has enhanced the compensation to Rs.50,000/- per Hectare. Being aggrieved by the said judgment the State has filed this appeal.

3. Heard learned AGP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

4. The evidence on record reveals that the compensation was enhanced on the basis of sale deed dated 12.02.1987 whereunder CW2 Nivrutti had purchased the land admeasuring 0.40 R for Rs.40,000 i.e. Rs. 1Lakh per Hectare. The said sale deed is held to be a comparable instance. The Reference Court has observed that the sale deed was in respect of irrigated land, whereas the acquired land was jirayat land. The Reference Court therefore deducted 40% and further an amount of Rs.16,000/- towards advantageous location of the sale deed land. Thus, on the basis of the said sale deed, the Land Reference Court enhanced the compensation to Rs.50,000/- per Hectare.

5. The compensation enhanced by the Reference Court is less than four times the amount awarded by the Land Acquisition Officer. Hence the case is squarely covered by the G.R. dated 3.11.2016. It is further to be noted that the area of the acquired land is 0.17 R. The enhanced compensation payable to the claimant, including the value of the land, solatium and interest is Rs. 13,660/- and upon deducting the amount paid by the Land Acquisition Officer, the amount payable is Rs.9410/-.

6. Considering that the amount enhanced is very meagre and also considering the fact that the case is covered by G.R. dated 3.11.2016, I am not inclined to interfere with the impugned judgment and award. Hence the Appeal is dismissed.

(ANUJA PRABHUDESSAI, J.)