

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

**FIRST APPEAL NO.669 OF 1998**

The State of Maharashtra through  
the Special Land Acquisition Officer,  
Irrigation No.1, Nashik

...Appellant

Versus

Madhav Shankar Kale

...Respondent

...

Ms Tanaya Goswami, AGP for the Appellant.

Mr. Nikhil M. Pujari i/b. Mr. P.N. Joshi for the Respondent.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 18<sup>th</sup> NOVEMBER, 2022.**

**P. C. :-**

1. The Appellant-State has challenged the Judgment and Award dated 29/11/1996 (in L.A.R. No.481 of 1990) passed by the Joint District Judge, Nashik.

2. The Appellant-State has acquired portion of land admeasuring 0.7 R from Gat No.308 of village-Palkhed, for the purpose of construction of Canal at Ranwad. The Notification under Section 4 of the Land Acquisition Act 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.22,500/- to Rs.25,000/-

per hector. The Respondent -Claimant accepted the compensation under protest and filed a reference under Section 18 for enhanced compensation @ Rs.1,00,000/- per hector for Bagayat land and Rs.75,000/- per hector for Jirayat land. The Reference Court, after considering the evidence on record has enhanced the compensation to Rs.50,000/- per hector. 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.1 lakh per hector. 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 hecter.

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 03/11/2016. It is further to be noted that the area of the acquired land is 0.7 R. The enhanced compensation payable to the claimant, including the value of the land, solatium and interest is Rs.5,810/- and upon deducting the amount paid by the Land Acquisition Officer, the amount payable is Rs.4,060/-.

6. Considering that the amount enhanced is very meager and also considering the fact that the case is covered by Government Resolution dated 03/11/2016, I am not inclined to interfere with the impugned Judgment and Award. Hence, the appeal is dismissed.

**(SMT. ANUJA PRABHUDESSAI, J.)**

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