

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

FIRST APPEAL NO.493 OF 1998

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

Versus

Smt. Sonubai Mahadu Mali and Ors. ...Respondents

WITH

FIRST APPEAL NO.498 OF 1998

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

Versus

Jayaram Khanderao Dhokale ...Respondent

WITH

FIRST APPEAL NO.499 OF 1998

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

Versus

Suresh Rambhau Dokhale ...Respondent

WITH

FIRST APPEAL NO.500 OF 1998

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

Versus

Govind Ganesh Mali and Ors. ...Respondents

WITH

FIRST APPEAL NO.502 OF 1998

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

Versus

Bhika Punja Mali (Lahitkar) since
deceased through his legal heirs:-
1. Shankar Bhikaji Mali (Lahitkar
and Ors. ...Respondents

**WITH
FIRST APPEAL NO.508 OF 1998**

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

Versus

Lahanu Sitaram Mali and Anr. ...Respondents

**WITH
FIRST APPEAL NO.509 OF 1998**

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

Versus

Sou. Suman Sampatrao Patil
(Deavange) ...Respondent

...

Ms Tanaya Goswami, AGP for the Appellant.
Mr. Nikhil Pujari i/b. Mr. P.N. Joshi for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 18th NOVEMBER, 2022.

P. C. :-

1. These appeals under Section 54 of the Land Acquisition Act, 1894 are filed by the Appellant-State assailing common judgment

dated 27/08/1996 in Land Reference No. 242 of 1989 and other group matters. By the impugned Judgment, the Reference Court has enhanced the compensation to Rs.40,000/- in respect of Jirayat land and Rs.60,000/- in respect of Bagayat land.

2. The records reveal that the State Government had acquired land from village-Khedgaon village, Talua Dindori, District-Nashik for construction of Ozharkhed canal. Notification under Section 4 of the Act was published on 26/11/1986. The Land Acquisition Officer classified the land in four groups and awarded compensation of Rs.1,250/- per hector for Group 1-Jirayat land, Rs.14,500/- per hector for Group III and Rs.15,500/- per hector for Group-IV Bagayat land. Not being satisfied with the quantum of compensation awarded by the Land Acquisition Officer, the Respondents -Claimants filed Reference under Section 18 of the Land Acquisition Act.

3. The Reference Court relied upon the Judgment and Award in Land Reference No.224 of 1989 dated 05/07/1996 (Exhibit-15) and enhanced the compensation to Rs.60,000/- per hector in respect of Bagayat land and Rs.40,000/- per hector in respect of Jirayat land. The Appellant-State has challenged this judgment in these appeals.

4. Heard Ms Tanaya Goswami, learned AGP for the Appellant-State and Mr. Nikhil Pujari, learned counsel for the Respondents-Claimants. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

5. The details of the acquired land, subject matter of these appeals are as under:

F.A. No.	L.A.R. No.	Gat No.	Area	Type of land	Compensation Awarded by SLAO @ Rs.1250/- PH	@ Rs.14500/- PH.	Total Additional Compensation.
493/1998	242/1989	715	5H.15R& 0.5R PK	Bagayat	Rs.6,438/- Rs.6	Rs.74,675 /- Rs.73/-	Rs.1,42,679/-
498/1998	234/1989	671	6R	Jirayat	Rs.75/-	Rs.870/-	Rs.6,289/-
499/1998	230/1989	539	0.17R	Jirayat	Rs.3/-	Rs.25	Rs.16,866/-
500/1998	232/1989	60 1-B	20R	Jirayat	Rs.250/-	Rs.2900/-	Rs.25,379/-
502/1998	236/1989	616	27R	Jirayat	Rs.338/-	Rs.3,915/-	Rs.26,778/-
508/1998	243/1989	617	25R	Jirayat	Rs.313/-	Rs.3625/-	Rs.24,809/-
509/1998	244/1989	736	0.9R	Jirayat	Rs.11/-	Rs.131	Rs.9,433/-

6. The records reveal that land under Gat No.715, which is the subject matter of the First Appeal No.493 of 1998 was Bagayat land whereas land, which is the subject matter of the other appeals is Jirayat land. The Reference Court has enhanced the compensation on the basis of the previous Judgment and Award dated 05/07/1996 in Land

Reference No.224 of 1989, which has attained finality. It is not in dispute that the Land Reference No.224 of 1989 was in respect of the land acquired from the same village by the same Notification and for the same purpose. The Reference Court, in my considered view has not committed any error in relying upon the said judgment in determining market rate of the said acquired land. The impugned judgment does not suffer from any illegality or infirmity and hence does not warrant interference. Accordingly, the appeals are dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)