

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

FIRST APPEAL NO. 482 OF 1998

The State of Maharashtra	 Appellant
v/s.	
Janku Bhagaji Nikam (since deceased through legal heirs) :	
Jivraj Janku Nikam	 Respondent

Ms. Tanaya Goswami, AGP for the State.
None for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 18th NOVEMBER, 2022.

P. C. :-

. The Appellant – State has challenged the judgment and award dated 04/03/1996 in Land Reference No.126/1983. By the impugned judgment, the Reference Court has enhanced the compensation to Rs.34,000/- per hectare.

2. The State Government had acquired a portion of land admeasuring 24 Ares from Gat No.266 at Awankhed, Taluka Dindori, Dist. Nashik for submergence of Palkhed dam. The notification under section 4(1) of the Act was published in the official gazette on 18/06/1981. The Land Acquisition Officer classified the land in 04

Groups and awarded compensation between Rs.4,000/- to Rs.9,000/- per hectare. 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 award in Land Reference No.168/1986 and enhanced the compensation to Rs.34,000/- per hectare. Being aggrieved by this judgment, the Appellant – State has preferred this Appeal.

4. The enhancement of compensation is based on the previous judgment and award dated 30/09/1994 in Land Reference No.168/1986. The land which was the subject matter of the Land Reference No.168/1986 was acquired from the same village for the same project. The Reference Court has observed that both the lands are of similar nature. Based on the said judgment, the Reference Court has enhanced the compensation in respect of Bagayat land at Rs.50,000/- per hectare. So also, in Land Reference No.17/1987 and other group matters which was also in respect of the land acquired for the same project, the market rate of the Bagayat land was fixed at Rs.50,000/- per hectare and the market rate of the Jirayat land was

fixed at Rs.34,000/- per hectare. Relying upon the previous Appeal and considering the nature of the land as Jirayat land, the Reference Court has enhanced the compensation to Rs.34,000/- per hectare.

5. The enhancement is based on the previous award in respect of the similar land acquired from the same village for the same project. The judgment is not perverse and does not suffer from infirmity. Moreover, the total compensation payable to the Respondent under the judgment inclusive of statutory benefit is Rs.34,700/-. The amount which has been enhanced is very meager. This is yet another reason for not interfering with the impugned judgment. Hence, the Appeal is dismissed.

6. In the event, the Appellant has deposited the compensation before the Reference Court, the same shall be paid to the Respondent together with accrued interest.

PREETI
H JAYANI

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PREETI H JAYANI
Date: 2022.12.06
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(SMT. ANUJA PRABHUDESSAI, J.)