

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

FIRST APPEAL NO.260 OF 1995

The State of Maharashtra

...Appellant

Versus

Keshavsingh Mansingh Pardeshi

...Respondent

...

Mr. A.R. Patil, AGP for the Appellant-State.

None for the Respondent.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 1st AUGUST, 2022.

P. C. :-

1. This is an appeal under Section 54 of the Land Acquisition Act, 1894 assailing judgment and Award dated 31/07/1992 in Land Reference No.109 of 1986. By the impugned judgment, the Reference Court has enhanced compensation to Rs.1,06,466.45, with interest and other statutory benefits.

2. The Government of Maharashtra had acquired the land of the Respondent-Claimant for construction of Minor Irrigation Tanks. The Notification under Section 4 of the Act was published on 24/08/1982. The Land Acquisition Officer classified the land into three groups and awarded compensation on the basis of the land

revenue assessment and awarded compensation of Rs.10,000/- per hector for Group-I, Rs.11,500/- and Rs.13,000/- per hector for Group II and III and Rs.200 per hector for Potkharaba land. The Land Acquisition Officer declared the Award on 19/06/1985 and awarded compensation of Rs.23,836.75/- in respect of the land admeasuring 1 Hector 26 R and 0 Hector 67 R from Gat No.87 of village-Borkhind, Taluka-Sinnar, District Nashik. Not being satisfied with the quantum of compensation, the Respondent and other land owners filed application under Section 18 of the Land Acquisition Act.

3. The Reference Court relied upon the sale instances produced by the Claimants and enhanced the compensation to Rs.1,06,466.45/-. Being aggrieved by this Judgment and Award, the State has filed this appeal under Section 53 of the Land Acquisition Act.

4. Heard, Mr. A.R. Patil, learned AGP for the Appellant-State.

5. The records reveal that the acquired land is adjoining the village Shivde. Both these villages have similar advantages and disadvantages. The evidence adduced by the Claimants indicates that the acquired land was irrigated land and they used to cultivate vegetables and other crops in the said land, which were transported to

Mumbai and Nashik for sale.

6. The Respondent had stated that the Land Acquisition Officer has wrongly classified the land as Jirayat land. The Respondent had relied upon the sale deed dated 28/04/1982 (Exhibit-60) in respect of the land under Gat No.28 of land admeasuring 1 Hector, 9 R of village Borkhind. The said land was sold at @ Rs.22,548/- per hector. Other two sale deeds dated 30/04/1982 and 11/06/1982 at Exhibits 33 and 35 were in respect of land in adjoining village-Shivde. Said lands were sold at the rate of 86,956.52 and Rs.83,333.33 per hector respectively.

7. The Reference Court after considering the sale instances as well as the evidence of the witnesses examined by the Claimant has held that the sale instances at Exhibits 33 and 35 are comparable instances and after deducting certain amount towards disadvantageous factors determined the market rate of the acquired land at Rs.60,000/- per hector.

8. The market rate is determined on the basis of comparable sale instances. The total compensation payable to the Claimant is very meager. Hence, I am not inclined to interfere with the impugned

judgment after a lapse of over 30 years. Hence, the appeal is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

MEGHA
S
PARAB

Digitally
signed by
MEGHA S
PARAB
Date:
2022.08.12
17:04:33
+0530