

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

FIRST APPEAL NO.137 OF 1997

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

...Appellant

Versus

Gopala Govinda Bharsat since
deceased through his legal heirs-
1a. Smt. Hirabai Gopala Bharsat and
Ors.

...Respondents

...

Mr. Y.Y. Dabke, AGP for the Appellant.

Ms Bhavana Khemani i/b. Mr. Anil Ahuja for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 10th NOVEMBER, 2022.

P.C. :-

1. The Appellant-State has filed this appeal challenging the Judgment and Award dated 11/11/1992 in Land Reference No.254 of 1983. By the impugned judgment, the Reference Court has enhanced the compensation from Rs.6,000/- to Rs.11,000/- per Hector.

2. Heard Mr. Dabke, learned AGP for the Appellant and Ms Bhavana Khemani, learned counsel for the Respondents. Perused the records and considered the submissions advanced by the learned

counsel for the respective parties.

3. The Respondent was the owner of land Gat No.346 and 352 of village Ravalgaon. The Government had acquired land admeasuring 0.46 R from Gat No.346 and 1 Hector 21 R as well as pot kharab land admeasuring 0.01 R from Gat No.352 for the purpose of construction of 'Alandi Dam'. Notification under Section 4 was published on 17/02/1977 and award under Section 41 was declared on 21/07/1982. The land was classified as Jirayat land and the Land Acquisition Officer awarded compensation of Rs.6,000/- per hector. Being aggrieved by the quantum of compensation, the Respondent-Claimant filed Reference under Section 18 of the Land Acquisition Act. The Reference Court relied upon the previous Land Reference No.248 of 1984 and enhanced the compensation to Rs.11,000/- per Hector. The total compensation payable to the Claimant is Rs.35,841/- with further interest @ 9% per annum from the date of possession for a period of one year and @ 15% per annum till date of final payment. The compensation enhanced by the Reference Court is less than four times the amount awarded by the Land Acquisition Officer. Hence, the case is covered by Government Resolution dated 03/11/2016. Even otherwise the enhanced compensation is based on judgment in

previous Land Reference No.248 of 1984 in respect of the land acquired from the same village and for the same purpose.

4. Considering the above facts and circumstances, I do not find reasons to interfere with the impugned judgment. Hence, the appeal is dismissed. The compensation deposited by the Appellant - State be paid to the Respondents -Claimants.

(SMT. ANUJA PRABHUDESSAI, J.)