IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 462 OF 1995

The State of Maharashtra ..Appellant.

v/s.

Narayan V. Bhadane ..Respondent

WITH
FIRST APPEAL NO. 463 OF 1995

The State of Maharashtra ..Appellant.

v/s.

Gulab Kisan ..Respondent

WITH
FIRST APPEAL NO. 464 OF 1995

The State of Maharashtra ..Appellant.

v/s.

Sukhdeo Mahipat Pawar ..Respondent

WITH
FIRST APPEAL NO. 468 OF 1995

The State of Maharashtra ..Appellant.

v/s.

Daga Nandu Shinde ..Respondent

WITH
FIRST APPEAL NO. 481 OF 1995

The State of Maharashtra ..Appellant.

PRASANNA P SALGAONKAR
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Date: 2022.08.01 15:44:01 +0530

v/s.

Sarichand M. Vanjari ..Respondent

WITH
FIRST APPEAL NO. 563 OF 1995

The State of Maharashtra ..Appellant.

v/s.

Mamaraj Shravan Vanjari ..Respondent

Mr. A.R.Patil, AGP for the Appellant-State.
None for the Respondent.

CORAM : ANUJA PRABHUDESSAI, J.
DATED : 28th JULY, 2022.

P.C.

1. These appeals are directed against the judgment and award dated 29.08.1992 passed by the Joint District Judge, Nashik, for enhancement of compensation in Land Reference Nos. 322 of 1983, 323 of 1983, 325 of 1983, 324 of 1983, 111 of 1984 and 142 of 1984.

2. Heard learned AGP. Perused the records.

3. The records reveal that the land belonging to the Respondent-claimant was acquired for constructing Minor Irrigation Canal of Girnar Dam at Nashik. The Land Acquisition Officer had classified the land into three groups and had awarded compensation of Rs.6500/- to Group II land which was classified as Jirayat Land, Rs.7500/- for Group III land, Rs.8500/- for Group IV land and Rs.200/- for pot kharaba land. Not being satisfied by the quantum of compensation, the claimants have

filed Reference under Section 18 claiming enhanced compensation on the ground that the compensation awarded by the LAO was much below the prevailing market rate.

4. The acquired land was situated at Village Sakur and Dapure Taluka Malegaon. The Claimants had examined the purchaser C.W.2 Sharad, who had stated that the acquired land was similar to the sale deed land. The Reference Court has observed that the sale deed at Exhibit 27 indicates that the amount of Rs.8000/- was paid on 6.4.1977 and the balance amount was to be paid to the Sub Registrar after execution of the sale deed. The learned Judge has held that the first sale instance of Gat No.147 falls in Group No.III and the second sale instance falls in group II.

5. The Reference Court observed that the sale instance visi-a-vis evidence of CW2 Sharad reveals that the market rate of land was Rs.14,534/- per hectare. Based on the said sale instance, and after considering the other advantageous and disadvantageous factors, the Reference Court enhanced the compensation in respect of Group III land to Rs.15,000/-, Group IV to Rs.17,000/-, Group II to Rs.13,000/- per hectare.

6. The records reveal that (i) in First Appeal No.462 of 1995 arising from LAR 322 of 1983 the LAO had awarded compensation of Rs.1495/- which has been enhanced by the Reference Court to Rs.2080/-. Thus after deducting the amount awarded by SLAO the

State Government is directed to pay Rs.585/- with interest and other statutory benefits.

(ii) in First Appeal No.463 of 1995 arising from LAR 323 of 1983 the LAO had awarded compensation of Rs.1725/- which has been enhanced by the Reference Court to Rs.2400/-. Thus after deducting the amount awarded by SLAO the State Government is directed to pay Rs.675/- with interest and other statutory benefits.

(iii) in First Appeal No.464 of 1995 arising from 325 of 1983 the LAO had awarded compensation of Rs.1345/- which has been enhanced by the Reference Court to Rs.1872/-. Thus after deducting the amount awarded by SLAO the State Government is directed to pay Rs.526/- with interest and other statutory benefits.

(iv) in First Appeal No.468 of 1995 arising from LAR 324 of 1983 the LAO had awarded compensation of Rs.747.50 which has been enhanced by the Reference Court to Rs.1040/-. Thus after deducting the amount awarded by SLAO the State Government is directed to pay Rs.292.50 with interest and other statutory benefits.

(v) in First Appeal No.481 of 1995 arising from LAR 111 of 1984 the LAO had awarded compensation of Rs.1945/- which has been enhanced by the Reference Court to Rs.2808/-. Thus after deducting the amount awarded by SLAO the State Government is directed to pay Rs.862/- with interest and other statutory benefits.

(vi) in First Appeal No.563 of 1995 arsing from LAR 142 of 1984

the LAO had awarded compensation of Rs.1572/- which has been enhanced by the Reference Court to Rs.2288/-. Thus after deducting the amount awarded by SLAO the State Government is directed to pay Rs.716/- with interest and other statutory benefits.

7. The amount enhanced by the Reference Court and payable by the State Government is very meager. Considering this fact and also taking into consideration the G.R. dated 3.11.2016, I am not inclined to interfere with the impugned award. Hence the appeals are dismissed.

(ANUJA PRABHUDESSAI, J.)