

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

FIRST APPEAL NO. 499 OF 1995

The State of Maharashtra	 Appellant
v/s.	
Keshavsingh Mansingh Pardeshi	 Respondent

Mr. N.B. Patil – AGP for the State.
None for the Respondent.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 07th JULY, 2022.

P. C. :-

. This is an Appeal challenging the judgment dated 31/07/1991 in Land Reference No.104/1986.

2. The land under several gat nos. of Borkhind village was acquired for the purpose of Minor Irrigation Tank at Borkhind. The Land Acquisition Officer classified the land in three groups and determined compensation of Rs.10,000/- for Group I, Rs.11,500/- for Group II and Rs.13,000/- for Group III land. This Appeal pertains to acquisition of the land under Gat No.73. The Respondent being the owner of the said land was awarded total compensation of Rs.16,185/-. Not being satisfied with the quantum of compensation, the Respondent filed reference under section 18 of the Land Acquisition Act. The Reference

Court has enhanced the compensation to Rs.98,402.75/-. The Reference Court deducted the compensation awarded by the Land Acquisition Officer and directed the Appellant to pay to the claimants additional amount of Rs.58,465/-

3. The Reference Court upon appreciation of evidence has observed that the acquired land was bagayat land. This observation is based on the fact that there was a well in the acquired land and the Appellant was growing vegetables and other crop in the property. The Reference Court has determined the quantum of compensation after considering the nature and location of the land and on the basis of sale instances dated 30/04/1982 and other evidence produced by the Respondent.

4. The impugned judgment is based on the evidence on record. Moreover, the total compensation awarded by the Reference Court is very meager. Under the circumstances, I am not inclined to interfere with the impugned judgment. Hence, the Appeal is dismissed.

PREETI
H JAYANI

(SMT. ANUJA PRABHUDESSAI, J.)

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