

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

FIRST APPEAL NO. 1134 OF 1995

Nathuram S. Madhavi ..Appellant
v/s.
The Special Land Acquisition Officer .. Respondents

**WITH
FIRST APPEAL NO. 1138 OF 1995**

Anant Krishna Patil and Others ..Appellant
v/s.
The Special Land Acquisition Officer .. Respondents

**WITH
FIRST APPEAL NO. 1136 OF 1995**

Anant Krishna Patil (Deceased) thru. LRs. ..Appellant
v/s.
The Special Land Acquisition Officer .. Respondents

**WITH
CIVIL APPLICATION (ST) NO. 9302 OF 1997
IN
FIRST APPEAL NO. 1136 OF 1995**

Smt. Janabai Anant Patil and Ors ..Applicants
v/s.
The Special Land Acquisition Officer .. Respondents

**WITH
FIRST APPEAL NO. 1135 OF 1995**

Ramchandra Kana Koli ..Appellant
v/s.
The Special Land Acquisition Officer .. Respondents

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**WITH
FIRST APPEAL NO. 1137 OF 1995**

Yeshwant B. Patil

..Appellant

v/s.

The Special Land Acquisition
Officer

.. Respondents

Mr. S.S.Kulkarni a/w. Sanjay Palshikar for the Appellants.
Ms. Tanaya Goswami, AGP for the Respondent-State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 15th JULY, 2022.**

P.C.

1. The Appellants who are the Claimants before the Reference Court have challenged the judgment dated 12.01.1994, passed by the Reference Court in Land Reference Nos. 467/1987, 471/1987, 480/1987, 492/1987 and 560/1987.

2. The Land of the Appellants, who shall be hereinafter referred to as “the Claimants” was acquired for the public purpose of setting up Twin City called as New Bombay Project. Notification under Section 4 was published on 3.2.1970 and the Award under Section 11 was declared on 12.01.1994. The Land Acquisition Officer awarded compensation @ Rs.8/- per sq. meter. Not being satisfied with the quantum of compensation, the Claimants filed Reference under Section 18 of the Land Acquisition Act.

3. By the impugned judgment, the Reference Court enhanced the compensation to Rs.15/- per sq. meter. Being aggrieved by the said judgment, the Claimants have filed these appeals.

4. It is pertinent to note that the State had also challenged the said judgment in First Appeal Nos. 776 of 1995, FA/777/1995, FA/775/1995, FA/778/1995 and FA/780/1995. The Claimants in Land Reference No 467 of 1987 had also filed Appeal No.1133 of 1995 challenging the said judgment. The Appeals filed by the State as well as the Claimants in LAR No.463 of 1987, arising from the common judgment have been disposed of by this Court by judgment dated 17.02.2011. The learned Judge of this Court (Coram : A.S.Oka, J., as His Lordship then was), dismissed the appeals filed by the State and while allowing Appeal No.1133 of 1995 filed in Land Reference No.467 of 1987, has fixed the market value of the acquired land at Rs.12/- per sq. meter, in addition, to statutory benefits under Section 23(1-A), 23(2) and 28 of the Land Acquisition Act.

5. These appeals are squarely covered by the judgment dated 17.02.2011. Hence, for the reasons stated in the said judgment, the following order is passed:

(a) Appeals are partly allowed. The market value of the acquired land is fixed at Rs.12/- per sq. meter. The Claimants

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will be entitled to proportionate costs of the Reference as well as the Appeal. In addition, the claimants will be entitled to statutory benefits under Section 23(1-A), 23(2) and 28 of the Land Acquisition Act, 1984.

(b) The exercise of determining the compensation payable as per the modified awards shall be carried out by the Reference Court within a period of three months from the date on which the writ of this judgment is received by the said Court.

(c) Enhanced compensation shall be deposited by the State Government within a period of three months from the date on which the compensation amount is determined by the Reference Court.

(ANUJA PRABHUDESSAI, J.)