

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

FIRST APPEAL NO. 378 OF 1997

The State of Maharashtra	 Appellant
v/s.	
Sakharam Raoji Shinde and anr.	 Respondents

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

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 06th OCTOBER, 2022.

P. C. :-

1. The Appellant – State has challenged the judgment and award dated 16/12/1993 in Land Reference No. 957/1990. By the impugned judgment, the Reference Court partly allowed the reference under section 18 of the Land Acquisition Act and enhanced the compensation from Rs.11,000/- to Rs.30,000/- per hectare.

2. The brief facts necessary to decide this appeal are as under :-

3. The Appellant – State has acquired the land admeasuring 0.262 Ares from Gat No.539 for the purpose of Mukane Dam in Taluka Igatpuri, Dist. Nashik. The notification under section 4 was published in the official gazette dated 20/01/1983. The Land Acquisition Officer declared the award on 16/03/1987 and offered compensation at the

rate of Rs.11,000/- per hectare. Being dissatisfied with the quantum of compensation offered by the Land Acquisition Officer, the Respondent filed reference under section 18 of the Land Acquisition Act. The Reference Court relied upon the previous judgment in respect of the land acquired under the same notification and enhanced the compensation to Rs.30,000/- per hectare. Being aggrieved by this enhancement, the State has filed this Appeal.

4. Heard Mr. Dabke, learned AGP for the State. I have perused the records and considered the submissions advanced by the learned AGP.

5. At the outset, it may be mentioned that the compensation which has been enhanced by the Reference Court is less than four times the compensation offered by the Land Acquisition Officer. Hence, the case would be covered by GR dated 03/11/2016. It is further to be noted that the total compensation payable under the award is Rs.75,803/-. Hence, the amount awarded in favour of the land which has been enhanced is very meager. Furthermore, the enhancement is based on the previous judgment in respect of the land acquired under the same notification and which has attained finality.

6. Considering the above facts and circumstances, I am not inclined with the impugned judgment. Hence, the Appeal is dismissed.

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(SMT. ANUJA PRABHUDESSAI, J.)