

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

FIRST APPEAL NO. 381 OF 1997

The State of Maharashtra	 Appellant
v/s.	
Lahanu Ramchandra Borade	 Respondent

**WITH
FIRST APPEAL NO. 382 OF 1997
WITH
CIVIL APPLICATION NO. 6514 OF 1997
IN
FIRST APPEAL NO. 382 OF 1997**

The State of Maharashtra	 Appellant
v/s.	
Popat Dhondu Borade and ors.	 Respondents

Ms. Tanaya Goswami, AGP for the State.
Mr. Sandeep Patade i/b. P.B. Shah for the Respondent.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th AUGUST, 2022.

P. C. :-

. The Appellant – State has challenged the judgment and award dated 16/12/1993 in Land Reference No.949/1990 and 943/1990 passed by the Reference Court.

2. The brief facts necessary to decide these Appeals are as under :-

3. The Appellant – State had acquired the land of the Claimants for

the purpose of Mukane dam in Taluka Igatpuri, Dist. Nashik. Notification under section 4 of the Act was published in the official gazette on 20/01/1983 and the Award was made on 16/03/1987 under section 11 of the Land Acquisition Act. The Land Acquisition Officer had classified the land into VII groups depending on revenue assessment. The LAO offered compensation of Rs.8,500/- per hectare for land classified as Group I, Rs.9,000/- per hectare for land classified as Group II, Rs.10,000/- per hectare for land classified as Group III and Rs.11,000/- per hectare in respect of the land classified as Group IV to VII. Being dissatisfied with the quantum of compensation, the Respondent – claimant filed reference under section 18 of the Land Acquisition Act.

4. In Land Reference No.949/1990, the Reference Court enhanced the compensation to Rs.30,000/- in respect of the land admeasuring 0.94 R from Gat No.535 which was classified as Group IV land ; Rs.36,000/- in respect of the land admeasuring 0.23 R from Gat No.596 which was classified as paddy field for Group I ; Rs.26,000/- in respect of the land admeasuring 2.04 from Gat No.521 classified as Group II and Rs.10/- in respect of Pot Kharaba land admeasuring 0.01 R. In Land Reference No.943/1990, the Reference Court awarded

compensation of Rs.42,000/- per hectare in respect of the land admeasuring 0.48.2 R from Gat No.582 and 0.84 R from Gat No.639. Being aggrieved by the enhancement, the State has preferred these Appeals.

5. It is seen that the Appeal No.348/1994 and other connected Appeals arising from the same award were disposed of by this Court by judgment dated 20/01/2011. In the said case, the Reference Court had determined the market rate of paddy field and bagayat land of Group I to Group IV at Rs.36,000/- per hectare, Rs.39,000/- per hectare, Rs.42,000/- per hectare, Rs.45,000/- per hectare and Rs.48,000/- per hectare respectively. This Court had observed that the compensation awarded by the Reference Court was infact lower than the market value as reflected by the sale deed relied upon by the Respondent – claimants and hence, dismissed the Appeals filed by the State.

6. The enhancement in these Appeals is based on the same documents. Hence, in view for the reasons stated in the judgment dated 20/01/2011 in First Appeal No.384/1994, Appeals stand dismissed. Pending applications, if any, stand disposed of in view of dismissal of the Appeals.

(SMT. ANUJA PRABHUDESSAI, J.)