

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

FIRST APPEAL NO.379 OF 1997

The State of Maharashtra (through the
Special Land Acquisition Officer,
National Highway, Nashik) ...Appellant

Versus

Ramnath Dhondu Shinde and Ors. ...Respondents

...

Mr. Y.Y. Dabke for the Appellant.
None for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 10th NOVEMBER, 2022.

P.C. :-

1. The Appellant-State has challenged Judgment dated 16/12/1993 in Land Reference N.952 of 1990.

2. The State had acquired portion of land admeasuring 0.33 R from Gat No.534 and 536, 0.86 R from Gat No.540 and 0.32 R from Gat No.577 situated at village-Mukane, Taluka Igatpuri, District-Nashik for the purpose of construction of Mukane Dam. Section 4 Notification was published in the official gazette on 20/01/1983. The Land Acquisition Officer offered compensation @ Rs.11,000/- per hector. Being aggrieved by the quantum of compensation offered by the Land

Acquisition Officer, the Respondents-Claimants filed Reference under Section 18 of the Land Acquisition Act, 1894. The Reference Court relied upon previous judgments in Land Reference No.954 of 1990 and 201 of 1988 in respect of the land acquired for the same purpose from the said village and enhanced the compensation to Rs.30,000/- per hector in respect of the land under Gat No.534, 536 and 540 and Rs.42,000/- in respect of the land under Gat No.577.

3. The total compensation payable to the Claimants is Rs.99,182.72 with interest @ 9% per annum for the first year with effect from 16/03/1987 and thereafter @ 15% per annum till the date of realisation of the amount. The compensation enhanced by the Reference Court is less than four times the amount awarded by the Land Acquisition Officer. Hence, the case is covered by Government Resolution dated 03/11/2016. Even otherwise the enhanced compensation is based on judgments in Land Reference No.954 of 1990 and 201 of 1988 in respect of the land acquired for the same purpose from the same village.

4. Considering the above facts and circumstances, I do not find reasons to interfere with the impugned judgment. Hence, the

appeal is dismissed. The compensation deposited by the Appellant - State be paid to the Respondents -Claimants.

(SMT. ANUJA PRABHUDESSAI, J.)

MEGHA
S
PARAB

Digitally signed
by MEGHA S
PARAB
Date:
2022.11.17
10:52:21 +0530