

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

FIRST APPEAL NO. 663 OF 1997

The State of Maharashtra	 Appellant
v/s.	
Dagu Namdeo Bhalerao (deceased) :	
Pandit Dagdu Bhalerao and ors.	 Respondents

Ms. Tanaya Goswami, AGP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 14th NOVEMBER, 2022.

P. C. :-

1. The Appellant – State has challenged the judgment and award dated 04/01/1996 passed by the Joint District Judge, Nashik in Land Reference No.134/1989.

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

The State Government had acquired land admeasuring 11R from Gat No.1991 of Village Vadner Bhairav for the purpose of construction of Ozarkhed Left Bank Canal. The notice under section 4(1) of the Land Acquisition Act, was published in the official gazette on 09/08/1984. The Land Acquisition Officer declared the award and granted total compensation of Rs.1,185/-. Being dissatisfied with the quantum of compensation, the Respondent filed reference under section 18 of the

Land Acquisition Act.

3. The Reference Court relied upon the previous decision in Land Reference Nos.28/1988, 43/1988 and other group matters and enhanced the compensation to Rs.70,000/- per hectare. Thus, under the impugned judgment, the total compensation payable to the claimant including the solatium and interest is Rs.9,256/- and after deducting the compensation awarded by the Special Land Acquisition Officer, the amount payable is Rs.8,071/-.

4. The compensation payable to the Respondent – claimant is very meager. Moreover, the enhancement is based on the previous judgment in Land Reference Nos.28/1988 and 43/1988 which was in respect of the land acquired for the same purpose and in the same village.

5. Considering the above facts and circumstances, I am not inclined to interfere with the impugned judgment. Hence, the Appeal is dismissed. Compensation, if deposited by the Appellant, be paid to the Respondent – claimant.

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(SMT. ANUJA PRABHUDESSAI, J.)