

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

FIRST APPEAL NO. 590 OF 1995

The State of Maharashtra ..Appellant.

v/s.

Sakharam Kashi Sud ..Respondent

Mr. A.R.Patil, AGP for the Appellant-State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 28th JULY, 2022.**

P.C.

1. The Appellant State has challenged the judgment dated 17.03.1994 in Land Reference No.16 of 1992. By the impugned judgment, the Reference Court has enhanced the compensation to Rs.800/- per Are with other statutory benefits.

2. Heard learned AGP for the State. Perused the records.

3. The State had acquired the land from Village Chafeli, Taluka Kudal. The State had acquired the land for Talamba Irrigation Project. Notification under Section 4 was published on 28.04.1988. Notification under Section 4 was published on 28.4.1988 and award was declared on 15.7.1991.

4. The Land Acquisition Officer classified the land in four groups on the basis of assessment of land revenue and awarded compensation between Rs.85/- to 170/- per Are and Rs.2/- per Are in respect of pot

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kharab land.

5. Being dissatisfied by the compensation, the claimants filed Reference under Section 18 of the Land Acquisition Act. The Reference Court has held that the LAO has determined the market rate of the land on the basis of the assessment of land revenue which is held to be not just and proper. The Reference Court has observed that there were no sale transaction of Pulas and Chapeli on or about 28.4.1988. The Reference Court relied upon the sale transaction at Exhibits 25, 56 and 27 in respect of adjacent villages at Bambarde, Bibavane and Kerwada. Relying upon the sale deeds, the Reference Court held that these sale deeds indicate that the price of the land in adjacent villages was Rs.700/- to 800/- per Are in the year 1988. Based on these sale deeds, the Reference Court has enhanced the compensation to Rs.800/- per Are. The genuineness of the sale deeds relied upon by the claimants was not disputed. The sale instances were in respect of the land in the adjacent village which was of similar nature, having similar advantages and disadvantages. The amount enhanced by the Reference Court is very meager. Considering this fact, and also considering the G.R. dated 3.11.2016, I am not inclined to interfere with the impugned judgment. Appeal is dismissed.

(ANUJA PRABHUDESSAI, J.)