

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

**FIRST APPEAL NO. 776 OF 1996**

|                              |                 |
|------------------------------|-----------------|
| The State of Maharashtra     | .... Appellant  |
| v/s.                         |                 |
| Smt. Aitwarbai Pandu Madhavi | .... Respondent |

Mr. Y.Y. Dabke, AGP for the State.  
None for the Respondent.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 06<sup>th</sup> OCTOBER, 2022.**

**P. C. :-**

. The Appellant – State has challenged the judgment and award dated 12/01/1994 in Land Reference No.34/1988. By the impugned judgment and award, the Reference Court has enhanced the compensation of the acquired land from Rs.2/- per sq. meter to Rs.10/- per sq. meter.

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

3. The State had acquired land admeasuring 4224 sq. meter from Gat Nos.88 and 352 of village Dive for the purpose of ‘Planned development and utilization of the lands’ in Trans Thane Creek area for

industrial, commercial and residential purpose. Notification under section 4 was published in the official gazette on 04/02/1970 and the award under section 11 was declared on 13/09/1985. The Land Acquisition Officer awarded compensation @ Rs.2/- per sq. meter. Being dissatisfied with the quantum of compensation, the Respondent – claimant filed reference under section 18 of the Land Acquisition Act claiming compensation @ Rs.50/- per sq. meter.

4. The Reference Court upon considering the location, nature and potentiality of the land viz-a-viz land in Land Reference No.24/1988 and 13/1988, enhanced the compensation to Rs.10/- per sq. meter. Being aggrieved by this enhancement, the State has filed this Appeal.

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

6. The acquired land is situated in village Dive. It is in evidence of PW1 that the acquired land is along the Thane Belapur Highway which is at a distance of about 07 kms from Thane City and Vashi Bridge. PW1 has deposed that the facilities such as electricity, water supply, market were available in and around the acquired land. He has further

stated that several big and small industries have come up in the vicinity of Village Dive and that the acquired land had commercial as well as residential potentiality.

7. The Reference Court has observed that the Appellant – State has not seriously disputed the nature and the potentiality of the acquired land. The Reference Court relied upon the judgment in Land Acquisition Reference No.24/1988 and 13/1988 in respect of the adjoining land which was acquired under the same notification and for the same purpose. The nature of the said land was similar to the acquired land. Hence, relying upon the said judgment, the Reference Court enhanced the compensation to Rs.10/- per sq. meter.

8. The judgment in respect of Land Acquisition Reference Nos.13/1988 and 24/1988 which has attained finality reveals that the market rate of the adjoining land having similar potentiality was fixed at Rs.10/- per sq. meter. The Respondent – claimant who was similarly placed, is also entitled to the same rate of compensation as determined in Land Acquisition Reference Nos.24/1988 and 13/1988. Basis adopted by the Reference Court for determining the market rate, in my considered view, is legal, just and reasonable.

9. Under the circumstances, no case is made out to interfere with the impugned judgment and award. Hence, the Appeal is dismissed.

No order as to costs.

PREETI  
H JAYANI

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(SMT. ANUJA PRABHUDESSAI, J.)