

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

FIRST APPEAL NO. 878 OF 1997

The State of Maharashtra Appellant
v/s.
Shri. Dattatraya Industries Pvt. Ltd. Respondent

**WITH
CROSS OBJECTION (ST.) NO. 30262 OF 1997
IN
FIRST APPEAL NO. 878 OF 1997**

Shri. Dattatraya Industries Pvt. Ltd. Appellant
v/s.
The State of Maharashtra Respondent

Mr. A.R. Patil, AGP for the State.
None for the Respondent.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th JULY, 2022.

P. C. :-

. This is an Appeal under section 54 of the Land Acquisition Act challenging the judgment and award dated 25/01/1995 passed by learned Extra Joint District Judge, Pune in Land Reference No.56/1987. By the impugned judgment, the Reference Court has enhanced the compensation from Rs.264/- per sq. meter to Rs.382/- per sq. meter in respect of the land admeasuring 352.50 sq. meter from Survey No.691/A/1 acquired for the purpose of widening of road

leading to Bibwewadi from Pune-Satara Road.

2. Heard learned AGP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The State Government had acquired the land of the Appellant admeasuring 352.50 sq. meters from Survey No.691/A/1 (C.T.S. No.1897/Part) situated at Bibwewadi, Pune for widening of road leading from Pune-Satara Road, Bibwewadi. The notification under section 6 of the Land Acquisition Act r/w. Section 126(4) of the Maharashtra Regional and Town Planning Act, 1966 was published on 31/10/1988. The Land Acquisition officer declared the award on 22/10/1988 and awarded compensation at the rate of Rs.264/- per sq. meter and thus awarded total compensation of Rs.93,060/-. Not being satisfied with the quantum of compensation awarded by the Land Acquisition Officer, the Respondent-claimant filed Reference under section 18 of the Land Acquisition Act. The Reference Court upon considering the evidence on record, enhanced the compensation to Rs.382/- per sq. meter. Hence, this Appeal.

4. The records reveal that the acquired land is situated adjoining Bibwewadi Road. The said land was a developed plot situated in the industrial zone. It had all the amenities such as electricity, internal roads, boring well, etc. The Respondent-claimant had examined Mr. Limaye, Consulting Engineer and Registered Valuer. He has deposed that the land falls within the municipal limits and upon considering the sale instances of the land in the vicinity, he has valued the land at Rs.675/- per sq. meter.

5. The Reference Court upon considering the evidence of the expert witness as well as the evidence of CW3 – Suhas Kulkarni who was the witness to the sale instances dated 13/04/1982, 14/07/1982 and 31/01/1983 determined the market value of the land at Rs.382/- per square meter. The said sale instances are in respect of the land in the close vicinity and are comparable instances.

6. The judgment of the Reference Court is based on evidence on record. Moreover, the compensation payable to the claimants after deducting the compensation awarded by the LAO is Rs.41,594/- with interest and other statutory benefits. The enhancement is marginal. Hence, I do not find any reasons to interfere with the judgment. Under

the circumstances, the Appeal is dismissed. Cross objections stand disposed of in view of disposal of the Appeal.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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