

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

FIRST APPEAL NO. 381 OF 1995

The State of Maharashtra Appellant
v/s.
Shri. Ranoba Vithoba Belkar and ors. Respondents

Mr. N.B. Patil, AGP for the State.
None for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 07th JULY, 2022.

P. C. :-

. This is an Appeal under section 54 of the Land Acquisition Act assailing the judgment dated 06/04/1992 passed by the Extra Joint District Judge, Pune in Land Reference No.46/1989.

2. The Respondent was the owner of the agricultural land bearing Gat No.844, 836 and 835 of Village Ane, Dist. Ahmednagar. The State Government acquired portion of land admeasuring 2H 65R, 10H 99R and 15H 62A respectively from the said gat nos. for the purpose of irrigation project known as Mand-Ohel Project, village Ane. The notification under section 4 of the Land Acquisition Act was published in the Official Gazette on 10/11/1977 and the Award was declared on 31/03/1983. The claimants were paid total compensation of

Rs.69,700.73/-. Not being satisfied with the said compensation, the Respondents – claimants filed reference under Section 18 of the Land Acquisition Act claiming enhanced compensation at the rate of Rs.30,000/- per hectare.

3. The Reference Court has observed that the acquired land is Jirayat land wherein the claimants used to grow crops such as Bajri, Hulga, Tur and Maka in portion of the land. The Reference Court held that the acquired land was not irrigated and discarded the contention of the Respondent – claimants that the acquired land was infact Bagayat land. The Reference Court did not rely upon the sale instances dated 26/01/1976 (Exhibit-24), 29/03/1976 (Exhibit-29) and 26/01/1976 (Exhibit-23) as not being comparable instances. The Reference Court relied upon sale instances relied upon the Land Acquisition Officer and on the basis of these sale deeds, decided the rate at Rs.3,500/- per hectare. The Reference Court thus held that the Respondents-claimants are entitled for compensation of Rs.1,02,445/- towards the value of the land as against compensation of Rs.69,700/- awarded by the Land Acquisition Officer. The Reference Court directed the learned Appellant-State to pay the excess compensation of Rs.75,771/- with interest and other statutory benefits. The

compensation enhanced by the Land Acquisition Officer is very meager. Considering this fact and also the material on record, I am not inclined to interfere with the order. Hence, the Appeal is dismissed.

PREETI
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JAYANI

(SMT. ANUJA PRABHUDESSAI, J.)

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