

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

FIRST APPEAL NO. 338 OF 1995

The State of Maharashtra Appellant
v/s.
Shri. Narayan Damodar Bhonde and ors. Respondents
Ms. Tanaya Goswami, AGP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 18th JULY, 2022.

P. C. :-

. This is an Appeal under section 54 of the Land Acquisition Act challenging the judgment dated 31/07/1992. By the impugned judgment, the Reference Court enhanced the compensation to Rs.7.50 per sq. mtr. with interest and other statutory benefits.

2. The land admeasuring 24 Ares from Survey No.39 was acquired by the Government for the purpose of Maharashtra State Electricity Board expansion programme. Notice under section 4 was published on 26/03/1981 and the award under section 11 was declared on 24/08/1983. The Land Acquisition Officer awarded compensation at the rate of Rs.4/- per sq.mtr. 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 has observed that the acquired land has been used for industrial development and residential purpose. The acquired land had all amenities such as water, electricity and access, etc. It is also in evidence that the land in the vicinity was developed and was used for commercial purpose.

3. Considering the nature of the land and relying upon the sale instances which were of the year 1976-77, the Reference Court determined the enhanced compensation to Rs.7.50 per sq. mtr. which works out to Rs.18,210/-. The award is based on the evidence on record. Compensation determined by the Reference Court is very meager. Hence, the judgment and award does not warrant interference after a lapse of 30 years. Hence, the Appeal is dismissed.

**PREETI
H JAYANI**

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(SMT. ANUJA PRABHUDESSAI, J.)