

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

**FIRST APPEAL NO. 286 OF 1995
WITH
FIRST APPEAL NO. 291 OF 1995**

The State of Maharashtra and anr. Appellants
v/s.
Pandurang Babaji Patil and anr. Respondents

Ms. Tanaya Goswami – AGP for the State.
None for the Respondent.

**WITH
FIRST APPEAL NO. 289 OF 1995**

The State of Maharashtra and anr. Appellants
v/s.
Raoji Balwant Patil Respondent

Ms. Tanaya Goswami – AGP for the State.
None for the Respondent.

**WITH
FIRST APPEAL NO. 419 OF 1995**

The State of Maharashtra and anr. Appellants
v/s.
Laxman Babu Chavan (since deceased
through legal heirs) :
Bhagirathi Laxman Chavan and ors. Respondents

Mr. N.B. Patil, AGP for the State.
Mr. N.J. Patil for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 07th JULY, 2022.

P. C. :-

. These Appeals under section 54 of the Land Acquisition Act are directed against the common judgment dated 27/02/1991 in Land Reference No.72/1985, 75/1985 and 79/1985 passed by the Addl. District Judge, Kolhapur.

2. The Government had acquired portion of land belonging to the Respondents for submergence area of Doodhganga Project. The Land Acquisition Officer passed an award dated 25/06/1984 and awarded compensation @ Rs.2 per sq. mtr. Being aggrieved with the quantum of the compensation awarded by the Land Acquisition Officer, the Respondents – claimants filed a reference under section 18 of the Land Acquisition Act, for enhanced compensation in respect of the acquired land and structures.

3. The acquired land is situated at village Bhandane, Radhanagri. The Reference Court has taken note of the fact that there are no sale instances of the land in the vicinity since the year 1967. The Respondents-claimants examined themselves and an Architect - Sharad Balasaheb Jagadale. The evidence adduced by the claimants revealed that the acquired land was at a distance of 13 kms from Radhanagri

and 10 kms from Kallamawadi. The Reference Court took note of the fact that the Land Acquisition Officer had awarded compensation of Rs.2/- per sq. meter on the basis of sale deed dated 20/01/1969 of village Golankar though the acquisition is of the year 1981. Learned Judge has held that Govind Krishna Keni, witness examined by the Appellant – State has admitted that there is increase in the price of the land. Considering the location of the acquired land and the sale deed land and the time span between the sale deed and Section 4 Notification, the Reference Court enhanced the compensation to Rs.15/- per sq. meter. Accordingly, the Reference Court enhanced compensation to Rs.60,903/- in LAR No.72/1985, Rs.40,220/- in LAR No.75/1985 and Rs.64,354/- in LAR No.79/1985 with interest and other statutory benefits.

4. There was no sale instances in respect of the land in close vicinity to guide the Reference Court to determine the exact or accurate market rate. Hence, the Reference Court has considered the sale deed of the adjoining village which was also relied upon by the Land Acquisition Officer in determining the market rate. The said sale instance was of the year 1969 whereas the acquisition is of the year 1981. The price of the land as admitted by the Appellants witness has enhanced over the

years. Considering these aspects, the Reference Court was justified in enhancing the compensation.

5. The judgment and award is based on the evidence on record. Moreover, the compensation awarded by the Reference Court is very meager. Considering the said fact, I am not inclined to interfere with the impugned judgment. Hence, the Appeals are dismissed.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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