

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

FIRST APPEAL NO. 843 OF 1997

The State of Maharashtra Appellant
v/s.

Nagu Jayaram Bamane (since
deceased through legal heirs) :
Shrikant Nagesh Bamane and ors. Respondents

Ms. Tanaya Goswami, AGP for the State.

Ms. Priyanka A. Babar i/b. T.S. Ingle for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 04th AUGUST, 2022.

P. C. :-

. The Appellant – State has challenged the judgment and award dated 11/10/1995 in Land Acquisition Case No.151/1992. By the impugned judgment, the Reference Court has enhanced the compensation from Rs.18,000/- per hectare to Rs.36,000/- per hectare.

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

3. The State Government has acquired the land admeasuring 86 Ares from Gat No.629/13-B situated at Bagani, Taluka Walva. Notification under section 4 was published in the official gazette on 20/09/1984. The Land Acquisition Officer passed an award under

section 11 on 23/08/1988 and awarded compensation at the rate of Rs.18,000/- per hectare with interest and other statutory benefits. Considering the area of the acquired land, the Respondent-claimant was awarded total compensation at Rs.15,480/-. Not being satisfied with the quantum of compensation, the Respondent-claimant had filed Reference under section 18 of the Land Acquisition Act and claimed enhanced compensation of Rs.25,000/- per acre. The Reference Court, relied upon the sale deed dated 24/03/1983, wherein the land admeasuring 82 Acres at the rate of Rs.50,000/- per hectare. The said sale deed land pertains to the land in the same village and the sale instance was prior to section 4 notification. The Reference Court also considered the fact that the subject land was classified as Group VI. The sale instances indicate that the price of Group VI land was between Rs.23,000/- to Rs.24,000/- as in the year 1982. Considering the raise in the price of the land, the Reference Court has determined the market value of Group VI land at the rate of Rs.36,000/- per hectare and after deducting an amount of Rs.18,000/- paid by the Land Acquisition Officer, directed the State to pay to the Respondent – claimant an amount of Rs.15,093/-.

4. The judgment is based on the evidence on record. Moreover, the

quantum of compensation awarded is very meager. Considering these aspects and also the GR dated 03/11/2016, I am not inclined to interfere with the impugned judgment. Hence, the Appeal is dismissed.

PREETI
H
JAYANI

(SMT. ANUJA PRABHUDESSAI, J.)

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