

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO. 1301 OF 2019

Shri Khushal S/o Shalikram Kumbhare

...Versus...

Maharashtra Airport Development Company Limited, Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Sirsikar, Advocate for appellant
Shri S.Y. Deopujari, Advocate for respondent No.1
Shri N.R. Patil, A.G.P for respondent Nos. 2 and 3

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 17/02/2022

This is an appeal under Section 54 of the Land Acquisition Act, challenging the judgment and award dated 15/06/2017 in L.A.C. No. 217/2009. By the impugned judgment, the reference Court has partly allowed the reference under Section 18 and enhanced the compensation in respect of the acquired land admeasuring 120 Sq. Mtr to Rs. 1650/- per Sq. Mtr. The reference Court has declined to grant enhanced compensation in respect of the acquired structure.

2. The appellant is the owner of the land under Survey No. 178/2 situated at Shivangaon. The said land admeasures 120 Sq. Mtr. with the structure admeasuring 34.08 Sq. Mtr.. The said land along with the structure was

acquired for Mihan Project. The requisite notification was published on 30/05/2005. The land acquisition officer awarded compensation of Rs. 62,400/- towards the land and Rs.2,59,720/- in respect of the structure existing in the said land. Not being satisfied by the quantum of compensation, the appellant filed reference under Section 18 of the land acquisition Act. The reference Court, after considering the evidence adduced by the parties, enhanced the compensation in respect of the land at Rs. 1650/- Sq. Mtr. and rejected the claim in respect of the structure. Being aggrieved by this judgment and award, the appellant has filed this appeal.

3. In the course of the hearing the learned Counsel for the appellant submitted that the appellant was under the impression that the reference Court had reduced the amount in respect of the structure and that the compensation at the rate of Rs. 1650/- per Sq. Mtr. awarded by the reference court was in respect of the structure as well as the land. He submits that the claimants would have no grievance in the event the acquiring body is willing to pay compensation of Rs. 2,59,720/- in respect of the structure in addition to the compensation at the rate of Rs. 1650/- per Sq. Mtr. in respect of 120 Sq. Mtr of plot per Sq. Mtr.

4. The reference Court has not reduced the

compensation, rather it cannot reduce the compensation offered by the land acquisition officer. The reference Court has only declined to enhanced the compensation in respect of the structure and has enhanced the compensation in respect of the land at Rs.1650/- per Sq. Mtr. This fact is not disputed by the Counsel for the acquiring body. The Counsel for the appellant does not dispute that the claimant is entitled for enhanced compensation in respect of the land in addition to compensation of Rs. 2,59,720/- in respect of the structure, as awarded by the land acquisition officer.

5. Under the circumstances the appeal has no merits and is accordingly dismissed.

JUDGE

Jayashree..