

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 67 OF 1998

The State of Maharashtra and Anr. ...Appellants.
Versus
Bhikaji Dhondiba Ralekar ...Respondent

Ms. Tanaya Goswami, AGP for Appellant/State.
None for the Respondent

CORAM : M.M. SATHAYE, J.

DATE : 30th NOVEMBER, 2023

P.C. :

1. Heard learned AGP for the Appellant/State. Nobody appears for the Respondent despite due service.

2. By this Appeal, filed under Section 54 of the Land Acquisition Act (for short “the 1894 Act”) the Appellant/State is challenging the Judgment and Order dated 09.05.1997 passed by 2nd Additional District Judge, Kolhapur in Land Reference No.87 of 1988. By the said impugned Order the learned Reference Court has granted compensation to the extent of additional amount of Rs. 49,159/- with future interest @ 15% p.a from 25.04.1988 till the amount is fully satisfied.

3. Few facts necessary for disposal of Appeal are as under. The Respondent/Claimant is owner of CTS No. 3510 situated on the

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main road, Kagal, District Kolhapur. The Government of Maharashtra by its notification dated 20.11.1986, issued u/s. 126(1) of the Maharashtra Regional and Town Planning Act r/w Section 6 of the 1894 act, intended to acquire the subject matter property of the Respondent/Claimant for the purpose of the road widening at Kagal. The Special Land Acquisition Officer passed an award granting meagre compensation of Rs. 1,511.60/- to the Respondent/Claimant.

4. Being aggrieved and dis-satisfied by this award, the Respondent/Claimant filed the said Land Reference and Reference Court has allowed the same granting additional compensation, as already stated above.

5. The Learned AGP appearing for the Appellant/State has assailed the impugned Judgment and Order on various grounds as raised in the appeal memo.

6. I have carefully considered the impugned Judgment and Order. The reasons given are well founded. After hearing both sides and on appreciation of the evidence produced on record, the Reference Court has come to the conclusion that amount of compensation granted by the Special Land Acquisition Officer is absolutely meagre and he was entitled to the enhanced amount. Sale instances are considered. Considering the fact that, original compensation awarded was atrociously meagre to the tune of Rs. 1,511.60/- and further considering the fact, even the enhancement granted by the Reference Court of Rs. 49,159/- is also meagre in today's age and time, in my considered view, no interference is called

for in the impugned Judgment and Order. The appeal is devoid of any merits.

7. Facts of this case are more or less similar to a group of First Appeals disposed of by another Single Bench of this Court with lead First Appeal No. 208 of 1992 along with others under Order dated 03.04.2017 (CORAM : M.S. SONAK, J.). I am completely in agreement with the view taken by my brother Judge in the said Order. It has to be noted that state compulsorily acquires lands of the citizens like Respondent/Claimant and despite the compensation amount being so paltry / meagre, the State carries the matters in appeal. In many cases, it is found that on account of pendency of the Appeal (primarily because no steps are taken by the State to effect service or bring legal heirs on record or reasons alike), the Respondent/Claimant remains deprived of even meagre amounts of compensation awarded to them. It is also sadly noted that the State Government in such Appeals, spends amounts on Court fees, typing and other filing expenses and legal fees which are either comparable to the existing amounts of compensation involved or more. In many cases it is found that the AGPs express their helplessness because despite communication/s the concerned Government officers do not come forward and take responsibility by clearly stating whether a particular Land Reference case is falling under relevant GRs (including G.R. dated 03.11.2016 with Corrigendum dated 23.02.2017, 04.05.2017 and 11.05.2018) and whether the Appeal should be prosecuted or not in view thereof. It is further sadly noted that the general perception seems to be, *firstly* that the claims which

are held against Government or Statutory Authority must be viewed as illegal and therefore should be resisted and fought up to the highest Courts and *secondly*, that if a decision on the issue could be avoided or is to be avoided, then it is simply not taken so that aggrieved party can approach the Court and let the Court take the decision. This results in clogging of the judicial system and also eats into the valuable judicial time. In view thereof I find that this is a fit case for dismissal.

8. Hence the Appeal is dismissed. No order as to costs. In view of the dismissal of Appeal, the Respondent/Claimant is at liberty to withdraw the amount of compensation, if deposited by the State in the Reference Court along with accrued interest, if not already withdrawn.

9. All concerned to act on authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)