

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 527 OF 2000

The State Of Maharashtra ...Appellant
Versus
Shri Govind Amruta Kande ...Respondent

HUSENBASHA
RAHAMAN
NADAF

Digitally signed
by HUSENBASHA
RAHAMAN
NADAF
Date: 2023.12.21
14:43:55 +0530

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

CORAM : M.M. SATHAYE, J.

DATE : 20th DECEMBER, 2023

P.C. :

1. This is an Appeal by State u/s.54 of the Land Acquisition Act, 1984 (“**the said Act**” for short), challenging Judgment and Order dated 28/03/1994 passed by Vth Joint Civil Judge Senior Division Solapur in L.A.Q. No. 353 of 1989. By the said impugned Judgment and Order the Reference Court granted additional compensation of Rs. 3,483.78 along with interest.

2. Heard learned AGP for the Appellant. None for Respondent.

3. Few facts necessary for disposal of this Appeal are as under. Portion of land admeasuring 1 Hectar 18 R from Gat No. 307 at Village Kategaon Taluka Barshi, District Solapur owned by the Respondent/Claimant, was acquired for Minor Irrigation Tank Kalambwadi (Kategaon-Kalambwadi) Taluka Barshi. Necessary Notification u/s. 4 of the said Act was published on 17/02/1977 and

the concerned Special Land Acquisition Officer passed an Award on 06/08/1987. By the said Award an amount of Rs.12,287/- was awarded to the claimant. Being aggrieved and dissatisfied by the said Award, the Respondent filed aforesaid Reference u/s. 18 of the said Act and the Reference Court has passed the impugned Order.

4. Learned AGP for the State has assailed the impugned Judgment and Order as per various grounds raised in the Appeal memo.

5. I have carefully considered the impugned Judgment and Order. The Reference Court, on appreciation of evidence in the form of 7X12 extracts and certified copy of the Sale Deed Exhibit-11 (sale instance), has arrived at the amount additional compensation payable. The enhancement granted is on the basis of valid reasons based on appreciation of evidence. Considering the fact that the original amount granted by SLAO (Rs. 12,287/-) as well as additional compensation amount granted by Reference Court (Rs.3,483/-) are both meagre amounts which are based on appreciation of evidence no fault can be found with the impugned Order. The appeal has no merit.

6. 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.

7. Hence the Appeal is dismissed. No order as to costs. In view of

the dismissal of Appeal, the Respondent/Claimant or his legal heirs as the case may be, is/are 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. Needless to mention that the impugned order becomes executable.

8. In view of the dismissal of the Appeal, Interim Application/s, if any, also stand dismissed.

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

(M.M. SATHAYE, J.)