

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1157 OF 1992

State Of Maharashtra.

...Appellant.

Versus

Narhar Sadashiv Godse.

...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 Appellant/State. Sole Respondent is served as per the office note. None for the Respondent.

2. By this Appeal, under Section 54 of the Land Acquisition Act (for short "the 1894 Act") the Appellant/State has challenged the Judgment and Order dated 04.02.1992 passed by Extra Joint District Judge, Pune in Land Reference No. 29 of 1985. By the said impugned Order, Appellant State is directed to pay additional compensation of Rs. 29,955/- to Respondent/Claimant and his brothers with interest @9% p.a. from date of dispossession for the 1st year and @ 15% from the next year till realization.

3. Brief facts necessary for disposal of this appeal are as under. Agricultural lands Bearing Gut Nos. 3037, 4569, 4578, 4577 and 4576 situated at Village Kudus Tal. Khed (Rajgurunagar)

Dist.Pune were owned by the Respondent/Claimant, totally admeasuring 4 Hectares and 1 Are. The said lands were acquired for construction of Minor Irrigation Tank at Kudus. Notification for the said acquisition under section 4 of the 1894 Act was published on 22.06.1978. The Special Land Acquisition Officer (No-11), Pune passed an award of total compensation of Rs. 51,519/- including solatium. Being aggrieved and dissatisfied by this award, the Respondent / Claimant filed the aforesaid Land Reference.

4. The learned Reference Court, after hearing both sides and on appreciation of the evidence that was adduced before it, has granted enhancement (additional payment) of Rs. 29,955/- to the Respondent/Claimant with interest as stated above.

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

6. I have carefully considered the reasoning given by the learned Reference Court for granting the enhancement. In my view the detailed reasoning given by the Reference Court for granting enhancement cannot be faulted with. The original amount of compensation granted as well as the enhancement allowed by the Reference Court are both meagre amounts viz. 51,519/- and Rs. 29,955/- respectively. Therefore in the considered view of this Court, no fault can be found with the impugned Judgment and Order and no interference is called for.

7. The First Appeal is accordingly dismissed. No order as to

costs.

8. In view of the dismissal of Appeal, the Respondent/Claimant is at liberty to withdraw the amount of compensation deposited by the State, if any, 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.)