

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

FIRST APPEAL NO. 1012 OF 1998

The State of Maharashtra

...Appellant

Versus

Sonayabai Walmik Chandwade & Ors.

...Respondents

Ms. Tanaya Goswami, AGP for the Appellant-State.
None for the Respondents.

CORAM: M.M.SATHAYE J.
DATE : 13th DECEMBER, 2023

PC. :

1. Heard learned AGP for the Appellant/State. None appeared for the Respondents.
2. By this Appeal, filed under Section 54 of the Land Acquisition Act, 1894 (for short "the said Act"), the Appellant/State is challenging the Judgment and Order dated 07.08.1996 passed by Joint District Judge, Nashik in Land Reference No. 437 of 1990. By the said impugned Order the Reference Court has granted total enhancement to Rs. 10,657/- to the Respondents-Claimants.
3. Few facts necessary for disposal of this Appeal are as under. The Respondents/Claimants were owners of certain land at village Vehelgaon, Taluka Nandgaon, District Nashik which was acquired by

the State of Maharashtra for construction of Percolation Tank. Notice under Section 4 of the said Act was published in Government gazette on 07.06.1984. Award is dated 20.03.1989. Special Land Acquisition Officer, by the said Award, granted meagre amount of compensation of Rs. 3,485/-. Being aggrieved and dis-satisfied by the said Order, the Respondents/Claimants filed aforesaid Land Reference under section 18 of the said Act and the Land Reference Court has granted enhancement as stated above.

4. The Learned AGP appearing for the Appellant/State has assailed the impugned Judgment and Order on various grounds as raised in the Appeal memo. Nobody appears for the Respondents.

5. I have carefully considered the impugned Judgment and Order. The reasons on which enhancement is granted are well founded. The Reference Court has considered the comparable sale instance of land which is proximate with the subject matter land. The other benefits granted by the Reference Court are in the nature of statutory benefits such as 30% solatium and 12% interest component. Considering the fact that both the original amount of award granted by SLAO (3,485/-) and total enhancement granted by Reference Court (10,657/-) are meagre amounts and that too are granted on valid basis, in my considered view, there is no reason to interfere in the impugned Judgment and Order. The Appeal is devoid of merits.

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 Respondents/Claimants or their legal heirs, as the case may be, 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.

8. In view of dismissal of the appeal, all pending applications are also dismissed.

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

[M.M.SATHAYE,J.]