

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1240 OF 2008

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The State Of Maharashtra and Anr. ...Appellants.
Versus
Shri. Ramu Bhoji Gavada (Since Decesased By ...Respondents
Legal Representative
1-(A)Smt.Jnaku Rama Gavade and Ors.

Ms. Tanaya Goswami, AGP for Appellant/State.

Mr. S. M. Kamble Advocate for Respondent Nos. 1-A to 1-F.

CORAM : M.M. SATHAYE, J.

DATE : 4th DECEMBER, 2023

P.C. :

1. Heard learned AGP for Appellant/State and learned Counsel for the Respondents/Claimants.
2. By this Appeal filed u/s. 54 of the Land Acquisition Act, 1894 (for short “the said Act”), the State is challenging Judgment and Order dated 23.12.2004 passed by Additional District Judge, Gadhinglaj, in Land Reference No. 8 of 1996. By the said impugned Judgment and Order, the present Respondents/Claimants are held entitled to enhanced compensation in the sum of Rs. 79,325/- along with an interest at the rate of 9% p.a. from 07/08/1981 till 07/08/1982 and at the rate of 15% p.a. from 07/08/1982 till realisation.
3. Few facts necessary for disposal of this appeal are as

under. The Respondent's share in the lands bearing R.S. No. 110, 123/6 and 127/9 at Village Hajgoli, Tal. Chandgad, Dist. Kolhapur, were acquired by the State Government for the construction of Tillari Hydro Electrical Project. Notification u/s. 4 of the said Act was issued on 15.06.1978. The possession of the land was taken on 07.08.1981 and the concerned Special Land Acquisition Officer ("SLAO" for short) declared award on 07.12.1984. It appears that the SLAO, granted total award of Rs. 13,909/- which is sum total of the compensation paid as per the table given in para 3 of the impugned Judgment. Being aggrieved and dissatisfied by the said meagre amount of compensation award, the Respondent/Claimant filed the aforesaid Land Reference and sought enhancement.

4. Learned AGP for the Appellant/State has assailed the impugned Judgment and Order as per grounds raised in the appeal memo. The Respondent/Claimant has supported the impugned Judgment and Order.

5. The Learned Reference Court after considering the sale instances of other lands in village Hajgoli (which is the same village in which the subject matter lands are situated) and further considering that the present subject matter lands are of similar quality and fertility as that of the lands involved in other Land Reference No. 122 of 1985, arrived at the calculations in para 29 of the impugned Judgment and granted enhancement.

6. I have carefully considered the reasoning given in the impugned Order, which is well founded. The enhanced amount of

compensation worked out is Rs. 55,500/- over and above original amount of Rs. 13,909/- granted. It appears that an amount of Rs. 8,000/- was already paid to the Respondents/Claimants when the impugned Judgment was passed and therefore applying necessary adjustment, the net amount payable is worked out. Rest of the amounts granted by the Reference Court are statutory amounts including 12% interest and 30% solatium. In these facts and circumstances, considering the reasoning given by the Reference Court and further considering that the amount originally granted was meagre and even the enhancement granted is not very high amount, in my view, no fault can be found with the impugned Judgment and Order and this Court is not inclined to interfere.

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

8. In view of the dismissal of Appeal, the Respondents/Claimants 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.

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

(M.M. SATHAYE, J.)