

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1601 OF 1996
WITH
CIVIL APPLICATION NO. 1243 OF 1997
IN
FIRST APPEAL NO. 1601 OF 1996

The State of Maharashtra

...Appellant/
Applicant

Versus

Jairam Dagadu Kasbe (Since Deceased Through
LRS)
1a. Bhawant Jayram Kasbe and Ors.

...Respondents

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SHUBHAM
ASHOKRAO

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Ms. Tanaya Goswami, AGP for Appellant/State.

None for the Respondents.

CORAM : M.M. SATHAYE, J.

DATE : 8th DECEMBER, 2023

P.C. :

1. Heard learned AGP for the Appellant/State. None for the Respondents, despite due service.

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 07.04.1995 passed by Joint District Judge, Nashik in Land Reference No. 146 of 1989. By the said impugned Judgment and Order, the learned Reference Court has granted enhanced amount of Rs. 1,818/-.

3. Few facts necessary for disposal of this appeal is as under. The State Government had acquired the land of the Respondents/Claimants for the purpose of Alandi Dam Left Bank Canal at village Ravalgaon-Dhagur Tal. Dindori Dist. Nashik. Notification u/s. 4 of the said Act, was issued in the Government Gazette on 09.05.1985 and Award was declared on 09.10.1987, under which the concerned Sp. Land Acquisition Officer ("SLAO" for short), has awarded a meagre amount of Rs. 900/- to the Respondents/Claimants.

4. Being aggrieved and dissatisfied by this Order, the Respondents/Claimants filed the aforesaid Land Reference. After hearing both sides and after considering the evidence on record, the Reference Court has partly allowed the reference and total enhancement has granted Rs. 1,818/-.

5. Learned AGP for the Appellant/State has assailed the impugned Judgment and Order as per grounds raised in the appeal memo. Nobody appears for the respondents

6. I have carefully considered the reasoning given in the impugned Judgment and Order by the Reference Court. The reasons are well founded. The Learned Reference Court has taken into consideration relevant factors such earlier reference orders in respect of similarly situated lands. Also in view of the fact that, the amount granted under original award by SLAO of Rs. 900/- and the amount granted as enhancement under the impugned Order of Rs. 1,818/- both are atrociously meagre, no fault can be found with the

impugned Judgment and Order.

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 Respondents/Claimants 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 Respondents/Claimants 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. Above pending Civil Application is also disposed of. In view of the dismissal of Appeal, the Respondents/Claimants are at liberty to withdraw the amount of compensation with accrued interest, 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.)