



Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.860 OF 1995**

The State of Maharashtra	]	
(Through the Special Land Acquisition	]	
Officer, Sindhudurg)	]	Appellant
vs.		
Bhagwan Vithal Tejam	]	Respondent

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Ms. Tanaya Goswami, for Appellant-State.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 10th August, 2023.

P.C.

1. Not on board. Upon mentioning, taken on board.

2. This Court while disposing of First Appeal No.734 of 1995 by an order dated 28th July, 2022 held thus;

“1. The Appellant State has challenged the judgment dated 17.03.1994 in Land Reference No.25 of 1992. By the impugned judgment, the Reference Court has enhanced the compensation to Rs.800/- per Are with other statutory benefits.

2. Heard learned AGP for the State. Perused the records.

3. The State had acquired the land from Village Chafeli, Taluka Kudal. The

State had acquired the land from Talamba Irrigation Project. Notification under Section 4 was published on 28.04.1988. Notification under Section 4 was published on 28.4.1988 and award was declared on 15.7.1991. The Reference Court relied upon the sale transaction at Exhibits 25, 56 and 27 in respect of adjacent villages at Bambarde, Bibavane and Kerwada. Relying upon the sale deeds, the Reference Court held that these sale deeds indicate that the price of the land in adjacent villages was Rs.700/- to 800/- per Are in the year 1988. Based on these sale deeds, the Reference Court has enhanced the compensation to Rs.800/- per Are.

4. The genuineness of the sale deeds relied upon by the claimants was not disputed. The sale instances were in respect of the land in the adjacent village which was of similar nature, having similar advantages and disadvantages. The amount enhanced by Reference Court is very meager. Considering this aspect, and also considering the G.R dated 3.11.2016 I am not inclined to interfere with the impugned judgment. Appeal is dismissed.

3. Joint Civil Judge, Senior Division, Ratnagiri at Sawantwadi vide common judgment dated 17th March, 1994 on Land Reference Nos.12 of 1992 to 27 of 1992 enhanced the compensation @ Rs.800/- per Are with other statutory benefits.

4. Since this appeal arises from the same Land Reference, it stands disposed of in view of the order passed by this Court on 28th July, 2022.

5. Appeal is dismissed with no order as to costs.

[PRITHVIRAJ K. CHAVAN, J.]