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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 295 OF 2000

IN

L. A. R. NO. 869 OF 1990

The State of Maharashtra

...Appellant

Versus

Shivram Maharu Patil

...Respondent

AND

FIRST APPEAL NO. 296 OF 2000

IN

L. A. R. NO. 870 OF 1990

The State of Maharashtra

...Appellant

Versus

Mr. Shankar Nathu Bhil

...Respondent

AND

FIRST APPEAL NO. 297 OF 2000

IN

L. A. R. NO. 871 OF 1990

The State Of Maharashtra

...Appellant

Versus

Mr. Sahebrao Lala Chavan Alias Patil And Ors.

...Respondents

AND

FIRST APPEAL NO. 298 OF 2000

IN

L. A. R. NO. 872 OF 1990

The State of Maharashtra

...Appellant

Versus

Mr. Santosh Chindha Patil

...Respondent

AND

FIRST APPEAL NO. 300 OF 2000

IN

L. A. R. NO. 874 OF 1990

The State Of Maharashtra

...Appellant

Versus

Mr. Chintaman Shivram Pawar

...Respondent

Ms. Tanaya Goswami, AGP for Appellant/State in All FAs.

Ms. Bhavna Khemani i/b. Mr. P. J. Ahuja, Advocate for Respondents in FA/296/2000, FA/298/2000 & FA/300/2000.

CORAM : M.M. SATHAYE, J.

DATE : 20th DECEMBER, 2023

P.C. :

1. Heard learned AGP for the Appellant/State and learned counsel for Respondents.

2. These Appeals are filed by the State u/s. 54 of the Land Acquisition Act (“**the said Act**” for short), challenging common Judgment and Order dated 12/03/1998 passed by Joint District Judge, Nashik in above land reference numbers. By the said common judgment and order the Respondents in respective references have been awarded amounts of Rs. 18,226/-, Rs. 49,362/-, Rs. 22,634/-, Rs. 20,928/- and Rs. 14,507/- towards additional compensation respectively together with interest @9% for the first year from the date of possession and @ 15% p.a. from the beginning of second year till realization.

3. Few facts necessary for disposal of these Appeals are as under. The lands owned by various Respondents/Claimants (Land Gat No.

71 in L.R. No. 869/90, Land Gat No. 83 in L.R. No.870/90, Land Gat No. 80 in L.R. No. 871/90, Land Gat No. 82 in L.R. No. 872/90 and Land Gat No. 85 in L.R. No. 874/90) situated at Village Malangaon, Taluka Malegaon, District Nashik were acquired under two different acquisition proceedings bearing LAQ case Nos. 13/86 & 15/87 for a common project i.e. construction of extension of Mosamsal Right Bank Canal. A common Award was passed on 30/09/1989. Under the said common Award, meagre amounts of compensation of Rs. 8,104/-, Rs. 20,728/-, Rs. 9,496/-, Rs. 8,471/- and Rs. 6,224/- were granted respectively. Being aggrieved and dissatisfied by this, the Respondents filed their respective aforesaid land reference u/s. 18 of the said Act. The Reference Court, after hearing both sides and after considering evidence on record has passed the common impugned Judgment and Order.

4. The learned AGP has assailed the common impugned Judgment and Order on various grounds as raised in the Appeal memo. It is submitted that the Reference Court was not justified in relying upon a sale instance under Sale deed dated 28/11/1984 Exhibit-24. It is further submitted that the amounts awarded by SLAO were adequate and the Claimants are not entitled to interest. Per contra, the learned counsel for the Respondents has supported the common impugned Judgment and Order. She submitted that since the enhancements granted are meagre and that too is based on valid reasons, no interference is called for.

5. I have carefully considered the impugned Judgment and Order and the submissions. It is seen from the impugned Judgment that the

Reference Court, relying upon the Judgment of this Court in Osman Khan Abdul Majid Khan And Anr. V. State of Maharashtra, 1994 Mh.L.J. 1103 as well that of Hon'ble Supreme Court in Periyar and Pareekanni Rubbers Ltd. V. State of Kerala 1991(4) SCC 195 has considered the guiding principles for arriving at just compensation. Perusal of the para 12 of the impugned Order shows that Reference Court has considered one sale instance vide Sale Deed Exhibit-23 involving a similar quality land situated at close proximity with the acquired lands. The Reference Court has considered village maps produced at Exhibit-36 and Exhibit-37 to arrive at conclusion that the land of sale instance is quite near to the acquired lands. On such due considerations, enhanced rate has been fixed. Perusal of para 13 further shows that the Reference Court has made distinction between jirayat and bagayat (non irrigated and irrigated) lands and accordingly different rates have been applied depending of the type of land.

6. In the aforesaid facts and circumstances, it is clear that the conclusion arrived by the Reference Court is based on valid reasons and on proper appreciation of evidence placed before it. Considering the fact that the amounts granted by the SLAO and enhanced amounts granted by Reference Court are meagre in nature and also considering that the conclusion about enhancement is based on evidence under valid reasons, no fault can be found with the impugned Judgment and Order. So far as the compensation granted by Reference Court in form of interest is concerned, the same being statutory in nature, also calls for no interference. There is no merit in

the State Appeals.

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 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.

8. Hence the Appeals are dismissed. No order as to costs. In view of the dismissal of Appeals, the Respondent/s/Claimant/s or their legal heirs as the case may be, is/are at liberty to withdraw the amounts of compensation, if deposited by the State in the Reference Court along with accrued interest, if not already withdrawn. Needless to mention that the impugned common Judgment and order becomes executable.

9. In view of dismissal of the appeals, all pending applications, if any, are also dismissed.

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

(M.M. SATHAYE, J.)