

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 191 OF 2000

The State of Maharashtra

...Appellant

Versus

Ashok Raoji Thakare

...Respondent

Ms. Tanaya Goswami, AGP for the Appellant/State.

Ms. Farzana Khan i/b Harshad Palwe for the Respondent No.1.

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CORAM : M.M.SATHAYE, J.

DATE : 20th DECEMBER 2023

PC. :

1. Heard learned AGP for the Appellant/State. None for the Respondent.

2. This is an appeal by the State under Section 54 of the Land Acquisition Act (for short 'the said Act') challenging the Judgment and Order dated 26.11.1998 passed by the Joint District Judge, Nashik in L.A.R. No. 681 of 1991. By the said impugned order, the Reference Court has granted total enhanced compensation of Rs.23,570/- including the land value, 30% solatium and 12% additional compensation.

3. Few facts necessary for final disposal of the appeal are as under. A portion of land of the Respondent bearing Gat No. 330 situated at village Salsane, Taluka Chandwad, District- Nashik was

acquired for the purpose of Ozarkhed Canal. The Notification under Section 4 of the said Act was issued on 13.03.1986. The concerned Special Land Acquisition Officer (for short 'SLAO') declared the Award on 30.09.1988, thereby granting meagre amount of Rs.7,546/-. Being aggrieved and dissatisfied by the said Award, the Respondent filed the aforesaid Reference under Section 18 of the said Act. The Reference Court after hearing both sides and on appreciation of evidence on record has granted enhanced compensation as indicated above.

4. Learned AGP for the State assailed the impugned order on various grounds as per the appeal memo.

5. I have carefully considered the impugned judgment and order. The reasons given by the Reference Court, on the basis of which the enhancement was granted, are well founded. Considering that the amount granted by the SLAO as well as the enhanced amount granted by the Reference Court are meagre amounts and considering that it is granted on the basis of evidence on record with valid reasons, no fault can be found with the impugned Judgment and Award. There is no merit in the appeal.

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 Respondent/Claimant or his legal heirs as the case may be, is/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. Needless to mention that the impugned order becomes executable.

8. In view of dismissal of the appeal, all pending application/s is /are also dismissed.

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

[M.M.SATHAYE,J.]