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

**FIRST APPEAL NO.1849 OF 2006
WITH
CIVIL APPLICATION NO.1486 OF 2006
WITH
CIVIL APPLICATION NO.5079 OF 2005**

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The State of Maharashtra ... Appellant

V/s.

Devibai Nanakchand Relan ... Respondent

**WITH
CROSS-OBJECTION (ST.) NO.24494 OF 2019
IN
FIRST APPEAL NO.1849 OF 2006**

Devibai Nanakchand Relan ... Applicant

In the matter between

The State of Maharashtra
(through the Special Land
Acquisition Officer) ... Appellant

V/s.

Devibai Nanakchand Relan ... Respondent

**WITH
CIVIL APPLICATION NO.324 OF 2019
IN
CROSS-OBJECTION (ST.) NO.24494 OF 2019**

Devibai Nanakchand Relan ... Applicant

V/s.

The State of Maharashtra
(through the Special Land
Acquisition Officer) ... Respondent

Ms. Tanaya Goswami, AGP for the appellant.

Mr. Shriram S. Kulkarni with Ms. Radhali Kadam for
the respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 28, 2023

P.C.:

CIVIL APPLICATION NO.324 OF 2019:

- 1.** The civil application is for condonation of delay in filing the cross-objection. The applicant has explained the reason for condonation of delay in paragraphs 5, 6 and 7.
- 2.** Since the State has filed first appeal challenging the same Award, the applicant has made out a case for condonation of delay.
- 3.** The civil application is, therefore, allowed in terms of prayer clause (a).

FIRST APPEAL & CROSS-OBJECTION:

- 4.** The first appeal and cross-objections arise out of Judgment and Award passed by the Reference Court on the application under section 28A(3) of the Land Acquisition Act, 1894 thereby granting rate of Rs.20/- per sq. mtr. along with consequential benefits.
- 5.** The claimants' lands were acquired for Navi Mumbai Project vide notification dated 3rd February 1970. Award under section 11 was passed on 18th August 1991. The application under section 28A was filed based on the judgment of this Court granting compensation ranging from Rs.20/- per sq. mtr. to Rs.25/- per sq. mtr. The District Court considering the location of lands in question, relying on the judgment of this Court in First Appeal No.394 of 1992 granted rate of Rs.20/- per sq. mtr as the land is

situated at Village Owe.

6. During pendency of the present first appeal, the matter was referred to the Lok Adalat.

7. In pursuance of the order passed by the Lok Adalat, a joint meeting was held by the Committee constituted as per the judgment of the Apex Court. The Committee decided rate of Rs.23/- per sq. mtr. for Village Owe. Based on the decision of the said Committee, The District Collector (Acquisition), Metro Center No.3, Panvel has communicated no objection for grant of Rs.23/- per sq. mtr. The said communication is taken on record and marked 'X' for identification.

8. In view of said objection, the impugned Award is modified substituting Rs.23/- in clause (2) of the operative part of the Award.

9. Rest of the Award shall remain as it is.

10. The first appeal is allowed to the above extent. No costs.

11. The cross-objection is also disposed of.

12. In view of disposal of the first appeal and cross-objection, nothing survives in the interlocutory applications and all such applications are disposed of accordingly.

13. In view of directions of the Supreme Court in Civil Appeal Nos.5088-2089 of 2013 dated 2nd July 2013, the claimants shall furnish bank details to the Special Land Acquisition Officer within two (2) weeks from today. The Special Land Acquisition Officer shall take steps to deposit the amount calculated as per the

modified Award within four (4) weeks thereafter and deposit the amount in the accounts details of which would be given by the claimants.

(AMIT BORKAR, J.)