

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.87 OF 2003
IN
LAND ACQUISITION REFERENCE NO.11 OF 1982

The State of Maharashtra : Appellant
Vs.
Ganpati Dagadu Gade
Since deceased through his legal heirs
Suresh Ganpati Gade & Ors. : Respondents

Mr. A. R. Patil, AGP for the Appellant/State.
Adv. Shraddha Pawar i/by Adv. Dilip Bodake, for the Respondent Nos.1 to
4 & 6 to 9.

CORAM : KISHORE C. SANT, J.

DATE : 7TH MARCH, 2024

PC. :

1. Heard the learned AGP for the Appellant/State.
2. This Appeal is preferred against the Judgment & Award passed by the learned Joint Civil Judge, Senior Division, Satara dated 15/7/2000 in Land Reference No.11 of 1982. The Reference Court has increased the amount of compensation to Rs.11,320/- only together with 30% solatium and 12% component on the said amount from the date of acquisition with other consequential benefits. The learned Land Acquisition Officer had

awarded compensation of Rs.38,556.05.

3. The Claimant therefore had filed a reference claiming compensation of Rs.60,000/- per hectare. Learned AGP vehemently argued that the Reference Court has not properly appreciated the evidence. There was no sufficient evidence on record to grant additional compensation. The SLAO had rightly granted the compensation at the rate of Rs.15,000/- per hectare which amount is enhanced at the rate of Rs.48,000/- per hectare by the Reference Court. This Court finds that while deciding the references the Reference Court had taken into consideration the sale instances. The Claimant had produced on record the sale instances in support of his case. It is considered that the lands acquired are situated near gaonthan area. The Court therefore held that the acquired lands are non agriculture lands. It was the case of the claimants that they have lost the construction area and that even prayed for compensation towards loss of business. The Court rightly held that the claimants will have to prove the same. The claimants also failed to prove that there was structure on the acquired land. The Court had considered that on some lands there were offices of government etc. and the claimants are entitled to claim compensation as per the Section 34 of the Act. Considering all these factors this Court finds that Court had rightly awarded compensation. No

case is made out calling for interference at the hands of this Court.

4. The Appeal therefore stands disposed of.

5. In view of the dismissal of the Appeal, pending Application, if any, stands disposed of.

(KISHORE C. SANT, J.)