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

**FIRST APPEAL NO.334 OF 2003
WITH
CIVIL APPLICATION NO.4875 OF 2003**

The State of Maharashtra ..Appellant

Versus

Pavasha Laxman (Soma) Patil
Since deceased through legal heirs
Smt. Bhimabai Pavasha Patil & Ors.

..Respondents

Mr. A. R. Patil, AGP for the Appellant/State.

CORAM : KISHORE C. SANT, J.

DATE : 11th MARCH, 2024

PC.

1. This Appeal is preferred by the State challenging judgment and order dated 31st December, 2001 passed by the learned Civil Judge, Senior Division, Panvel in LAR No.9 of 1994 enhancing the amount of compensation in Reference under Section 18 of the Land Acquisition Act, 1894. The Reference Court has granted rate of Rs.10 per sq.mtrs. The Appeal is preferred mainly on the ground that the learned Reference Court has granted compensation at exorbitant rate without there being sufficient evidence on record.

2. Facts in short are that the claimants/present Respondents filed land acquisition reference in the Reference Court. Hence, the present Appeal.

3. Land of the claimants admeasuring 0.17 hectare came to be acquired from Hissa No.17, Survey No.98, situated at mouje Punade, Taluka Uran, District Raigad. The said land was acquired for the irrigation project. Section 4 notification was issued on 30.09.1989. The enhancement was claimed on the ground that the Special land Acquisition Officer had not considered the potentiality and the facilities available at the land. The land is at the distance of 8 km. Away from Panvel – Pen National Highway and other highways. There is school available in the village. The other lands from the adjoining villages have been acquired for the purpose of MIDC, which have also close proximity from the land acquired. There is Nhava-Sheva Port Trust, Bharat Petroleum, Gas Turbine Project, Central Warehousing Corporation, ONGC, etc. which are at very short distance. It is the case of the Appellant/acquiring body that the learned SLAO had rightly considered the market rate and as per the market value.

4. From the judgment, it is seen that the claimants have brought on record evidence as stated above. As against that the Special Land Acquisition Officer did not step into the witness box. He has led evidence to support the case that the compensation already awarded was just and fair compensation.

5. Learned Reference Court considered that the CIDCO had acquired land by paying compensation at the rate of Rs. 25 to Rs.30/- per sqm. in LAR No.110 of 1989. In respect of another

lands, the Court had already granted compensation at the rate of Rs.30/- per sq.mtrs. Those lands were having similar quality but from different villages. Learned Court below considered the judgment reported in **1998 Supreme Court 781** and judgment from the Delhi High Court reported in **AIR 1996 Delhi 10**. The Court further considered that almost entire land of the claimants came to be acquired by the Government and now claimants have not adequate means of livelihood. The Court relied upon evidence of valuer Shri. Dinkar Thombare to assess the market value of the land on the basis of assessment and classification. The Court thus mainly has relied upon the evidence of the valuer and granted compensation.

6. Though it is argued vehemently that the rate ought not to have been at the rate of Rs.10/- per sq.mtrs., however, nothing in support of the Appeal is available on record. This Court thus finds that no interference is called for in the impugned judgment and order. There is negligible amount involved in the Appeal. Therefore, this Court does not interfere in the impugned judgment and award.

7. The Appeal therefore stands dismissed.

8. Pending Application also stands disposed of.

[KISHORE C. SANT, J.]