

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.272 OF 2003
IN
LAND ACQUISITION REFERENCE NO.4 OF 1994

The State of Maharashtra
(Through the Special Land Acquisition
Officer, Raigad-Alibag

: Appellant

Vs.

Parshuram Dhondya Patil

: Respondent

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

CORAM : KISHORE C. SANT, J.

DATE : 7TH MARCH, 2024

PC. :

1. This Appeal is arising out of the Judgment & Order passed by the learned Civil Judge, Senior Division, Panvel in Land Acquisition Reference No.4 of 1994 dated 31st December, 2001. By way of impugned Order learned Reference Court has partly allowed the reference filed by the Original Claimant. The amount of compensation is enhanced & compensation is awarded at the rate of Rs.10 per square meter for the acquired land.

The facts in short are as under:-

2. That the claimant is the owner of Land Survey No.98, Hissa No.4 of village Punade, Tal. Uran, District Raigad. His land came to be

acquired by the Government for Irrigation Project. A notification under Section 4 was issued on 30th March, 1989. It is the case of the claimant that the land was having good potential. It is situated Panvel-Pen National Highway. There are various facilities available such as school, bus stand etc, near land. There are various development projects going on in the vicinity including Nhava-Sheva Port Trust, Bharat Petroleum, Gas Turbine Project, Central Warehousing Corporation, ONGC, N.A.D., etc. The area is going rapidly growing area. The claimant claimed a rate of Rs. 40 per square meter along with the other statutory benefits.

3. It was the case of the Appellant SLAO that the rate was rightly granted by considering the prevailing market value. The claimant has not taken objection to the notices under Section 9(3) (4) of the Act. In support of the claim the claimant himself entered into the witness-box. The Claimant also examined one Manohar Gopal Vaidya, the valuer at Exhibit-19. Besides the oral evidence of the claimant, the claimant has also relied on the Valuation Report Exhibit-20, the map at Exhibit-21. The claimant produced on record the copy of the Judgment in LAR No.8/84.

4. The SLAO examined the Assistant Director, Town Planning Alibag, The Appellant relied upon documents produced in LAR No.6/94 in respect of the sale-deed of the land from village Punade.

5. The Court considered that objections were raised pursuant to the notice under Section 9(3) & 9(4) that there are facilities available in the vicinity of the land acquired. There is Junior College in the vicinity of 4 kms. The Court after considering that the claimant had given the evidence by entering into witness-box. The learned SLAO has not entered into witness-box. SLAO could not prove the market rate in support of the market rate is granted. The Court also considered the judgment reported in AIR 1998 Supreme Court, 781.

6. Learned AGP vehemently argued the Appeal. He submitted that in this case the SLAO has rightly awarded the rate. This Court considered this submission in the light of judgment delivered by the learned Reference Court.

7. On considering all the facts the judgment and the submissions of the learned Advocate, this Court finds that there is no perversity or the illegality committed by the learned Reference Court.

8. No case is made out to call for interference at the hands of this Court. The amount of enhancement is very meagre.

9. For all these reasons, this Court finds that Appeal deserves to be dismissed and the same is hereby dismissed. No order as to costs.

10. In view of the disposal of the Appeal, Civil Applications, if any, stand disposed of.

(KISHORE C. SANT, J.)