

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

**FIRST APPEAL NO. 1467 OF 2009
WITH
CIVIL APPLICATION NO. 5938 OF 2008
IN
FIRST APPEAL NO. 1467 OF 2009**

The State Of Maharashtra

... Appellant/Applicant

Vs.

Gyandeo Maruti Galande(Thr. L.R.)

... Respondents

1. Mohan Dyandeo Galande And Others

Mr. A. R. Patil, AGP for the Appellant/State.
None for the Respondents.

CORAM : KISHORE C. SANT, J.

DATE : 22nd FEBRUARY, 2024

PC:-

1. The Appeal is directed against the Judgment and Award dated 28th June 2006, passed by 11th Ad-hoc Additional District Judge, Pune in Land Acquisition Reference No. 538 of 1991.

2. By way of impugned Judgment and Award the learned Judge enhanced the amount of compensation by Rs. 24,302/- alongwith other consensual benefits. Though the Appeal is admitted there is no stay granted by this Court. Inspite of service none appears for Respondent No. 2, the matters taken up for final disposal with the assistance of learned AGP.

3. The facts in short the land of the Respondent/Claimant came to acquired by Notification A.Q./IV/SR/171/89 dated 08/03/1990 of Indapur town, District Pune, for Mula-Mutha Right Bank Canal, as per the Notification. The land of the Claimant is acquired from Survey No. 408/2B+5B/3 admeasuring 09-R. The SLAO only granted @ Rs. 20,000/- per hector for acquired land. The Respondent/Claimant therefore filed a Reference under Section 18 of the Land Acquisition Act, 1894.

4. After going through the evidence and other material on record the learned Reference Court considered the rate of Rs. 3 Lakh per hector as just and fair compensation and enhanced the amount of Rs. 24,302/-.

5. The learned AGP submits that the Court has enhanced the amount without appreciating the evidence in its proper perspective. The Claimant could not substantiate with proof that rate of Rs. 3 Lakh per hector was a market rate at the relevant time. The Court has solely relied upon the deposition and the evidence of the Claimant he thus prays for allowing the Appeal.

6. On going through the impugned Judgment and the record this Court finds that the learned Reference Court by considering the evidence properly and by considering the previous Judgments of this Court and of the Hon'ble Supreme Court has enhanced the amount of compensation. The Court has considered the evidence of 3 witnesses i.e. Bhagwan alias Bhagwat Maruti Shete who sold 4 guntha land for consideration of Rs.

21,000/- on 21/08/1988. AW-3, Uttam Shripati More had purchased 2 guntha land on 2/4/1987 for consideration of Rs. 9,000/- per guntha. The Court further considered the evidence of AW-4 Tukaram Vithoba Pomane and AW-5 Abhiman Tukaram Chopade and AW-6, Pandurang Baburao Galande who deposed about the said transactions in respect of their lands sold or purchased. The Court found that this lands are from the same village and situated nearby. This Court finds that the sale instances were prior to the Notification and within proximate time. This Court does not find that Reference Court has committed any legality while allowing the Reference.

7. This Court finds that there is no legality pointed out. Considering that the court has rightly arrived at conclusion and has granted compensation. No interference is required in the impugned Judgment and Award.

8. First Appeal therefore stands dismissed. Pending Applications, if any, stands disposed of in view of the disposal of the First Appeal.

(KISHORE C. SANT, J.)