

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

FIRST APPEAL NO. 209 OF 2000

The State Of Maharashtra

... Appellant

Vs.

Dattu Dagadu Khandekar.

... Respondent

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

CORAM : KISHORE C. SANT, J.

DATE : 3rd APRIL, 2024

P.C.:-

1. This Appeal is filed challenging the Judgment and Award dated 29.10.1998, passed by the Joint District Judge, Nashik in L.A.R. No. 274 of 1991. The learned Joint District Judge Nashik, by way of the Judgment and award allowed the Land Acquisition Reference and enhanced the amount of compensation from Rs. 12,252/- to Rs. 79,530/-.

2. The facts in short, the Respondent/Claimant owner of land which came to be acquired by the Special Land Acquisition Officer, bearing Gat No. 343 and Gat No. 347 for the purpose of Alandi Canal, from village Vadgaon, Taluka & District Nashik. The same land admeasuring 54 Ares, 0.06 R pot kharab came to be acquired from land Gat No. 343 and land 0.60 and 0.20 R pot kharab came to be acquired from land Gat No. 347.

3. The learned SLAO, granted compensation taking the market

value of the land at the rate of Rs. 69,500/- per hectare and awarded the compensation. The Claimants filed Land Acquisition Reference seeking enhancement in the amount of compensation and filed Reference. The learned Reference Court clubbed all such references together and decided the References by common Order dated 29.10.1998.

4. The Notice under Section 4 was published on 11.06.1987, possession of the land of present Respondents was taken on the said date. Against that Reference came to be filed. The common evidence is laid by of the Claimants. The Claimants examine one witness-Murlidhar Jadhav at Exhibit 21 and one witness Chandrakant Yeole- as PW-2 at exhibit 23. They placed reliance on the Village map of Vadgaon and the copy of the sale-deed executed in favour of PW-2. They also produced on record copy of award passed by the Reference Court in LAR No. 87 of 1986.

5. The learned District Judge relied upon the evidence and enhanced the amount of compensation. Witness Murlidhar deposed that the rate was awarded @ Rs. 18,000/- per hectare for Group I, Rs. 19,000/- per hectare for Group-II and of Rs. 20,000/- for Group III lands. He deposed that the rate was infact Rs. 80,000/- per hectare for Jirayat Land and Rs. 1,20,000/- per hectare for Bagait lands. He deposed about the fertility and quality of the land by relying upon the said wherein PW-1 was purchaser. PW-2 who purchase the land Gat No. 138 from village Dugaon deposed that he purchased the land by way of sale-deed dated 31.03.1987 for Rs.

47,000/- admeasuring 74 R. which was Jirayat land. He thus submits that rate of the land was much higher than awarded by the Special Land Acquisition Officer. The SLAO did not produce any convincing evidence in support of his award to prove that the compensation granted by him was adequate and fair.

6. The learned AGP, argued the Appeal submitting that the Court has failed to appreciate that the adequate compensation was granted. He submits that the District Judge has wrongly relied upon the evidence of the Claimants. He thus prayed for setting aside the Award.

7. This Court has considered this submission and gone through impugned Judgment and award, this Court does not find any perversity in the impugned Judgment and Order. The finding is based on the evidence of witnesses and the evidence produced in the Court. The amount awarded is so meagre that this Court does find any reason calling for interference in the impugned Judgment and Order.

8. The Appeal therefore deserves to be dismissed and the same is hereby dismissed. No Order as to costs.

(KISHORE C. SANT, J.)