

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

**FIRST APPEAL (ST) NO. 26116 OF 2011
WITH
CIVIL APPLICATION NO. 4169 OF 2016
WITH
CIVIL APPLICATION NO. 4170 OF 2016**

The State of Maharashtra ... Appellant/Applicant
versus
Vishambar Yashwant Patil and Ors. ... Respondents

Mr. A. R. Patil, Addl. GP for the Appellant/Applicant-State
None for the Respondents

CORAM : M. M. SATHAYE, J.

DATED : 7th JULY, 2025

P.C.:

1. Heard the learned Add. G.P. for the Appellant/Applicant-State
2. There is a delay of about 100 days in filing the Appeal. Office note indicates that some of the Respondents are not served. Considering the nature of the controversy and meagre amount granted under the impugned judgment and order of the Reference Court, the Appeal is taken up for consideration.
3. This is an appeal by the State under Section 54 of the Land Acquisition Act (for short 'the said Act') challenging the Judgment and Order dated 02.03.2009 passed by the Civil Judge, Senior Division, Barshi in L.A.R. No. 70 of 2002. By the said impugned order, the Reference Court has granted enhanced compensation of Rs.71,000/- including the land value,

30% solatium and 12% additional compensation.

4. Few facts necessary for disposal of this Appeal are that the land of the Respondents/Claimants was acquired compulsorily for construction of the percolation tank by the Appellant-State. The concerned Special Land Acquisition Officer awarded an amount of Rs. 35,698/- as a compensation under Award dated 31/03/1989. The Respondents filed said aforesaid Reference seeking enhancement of compensation. The Reference Court has considered various sale instances relied upon by the Respondent – Claimant and discarded a few of them, not being in close proximity and for difference in extent of sale area. However, relying on the sale instance under the sale deed dated 11/04/1989 and applying presumption under section 114 of the Indian Evidence Act, the market price of the land was determined as on 11/04/1989, which was the relevant date. Applying the said market rate and other statutory components, the Reference Court granted enhancement of Rs.68,970/- under the impugned order.

5. Learned Addl. G.P has argued the Appeal as per the grounds raised in the Appeal Memo. He submitted that comparable sale instances are not considered. That award granted by the Land Acquisition Officer was appropriate. That the sale instances relied by the Reference Court could not have been relied in the facts of this case.

6. I have considered the submissions and perused the impugned judgment.

7. The reasons given by the Reference Court, on the basis of which the enhancement was granted, are well founded. The reasons in paragraph no. 13 of the impugned judgment for accepting the sale instances and arriving at

a particular market price, does not suffer from any illegality. The amount of additional compensation granted is only Rs.68,970/- which is a meagre amount in itself, in addition to the meagre amount of original award of Rs.23,850/-. Considering that the amounts are granted on the basis of evidence on record with valid reasons, no fault can be found with the impugned Judgment and Award. There is no merit in the Appeal.

8. Facts of this case are more or less similar to a group of First Appeals disposed of by another Single Bench of this Court with lead First Appeal No. 208 of 1992 along with others under Order dated 03.04.2017 (Coram : M.S. Sonak, J.). I am completely in agreement with the view taken by my brother Judge in the said Order. It has to be noted that state compulsorily acquires lands of the citizens like Respondent/Claimant and despite the compensation amount being so paltry / meagre, the State carries the matters in appeal. In many cases, it is found that on account of pendency of the Appeal (primarily because no steps are taken by the State to effect service or bring legal heirs on record or reasons alike), the Respondent/Claimant remains deprived of even meagre amounts of compensation awarded to them. It is also sadly noted that the State Government in such Appeals, spends amounts on Court fees, typing and other filing expenses and legal fees which are either comparable to the existing amounts of compensation involved or more. In many cases it is found that the AGPs express their helplessness because despite communication/s the concerned Government officers do not come forward and take responsibility by clearly stating whether a particular Land Reference case is falling under relevant GRs (including G.R. dated 03.11.2016 with Corrigendum dated 23.02.2017, 04.05.2017 and 11.05.2018) and whether the Appeal should be prosecuted or not in view thereof. It is further sadly noted that the general perception

seems to be, *firstly* that the claims which are held against Government or Statutory Authority must be viewed as illegal and therefore should be resisted and fought up to the highest Courts and *secondly*, that if a decision on the issue could be avoided or is to be avoided, then it is simply not taken so that aggrieved party can approach the Court and let the Court take the decision. This results in clogging of the judicial system and also eats into the valuable judicial time. In view thereof I find that this is a fit case for dismissal. This view has been followed by me in series of orders in the past and I do not find myself persuaded to take any different view.

9. Hence the Appeal is dismissed. Pending Civil Applications are also dismissed. No order as to costs.

10. In view of the dismissal of Appeal, the Respondents/Claimants or their legal heirs as the case may be, are at liberty to withdraw the amount of compensation, if deposited by the State in the Reference Court along with accrued interest, if not already withdrawn. Needless to mention that the impugned order becomes executable.

11. All concerned to act on duly authenticated or digitally signed copy of this order.

(M. M. SATHAYE, J.)