

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 313 OF 2019

Shri Bhujang Namdeo Rokade ... Appellant

V/s.

The Executive Engineer, Sina ... Respondents
Kolegaon Project, Parande and Anr.

Mr. Prashant D. Patil, for the appellant.

Mr. Mayur Sonawane, AGP, for the Respondent/State.

CORAM : SHARMILA U. DESHMUKH, J

DATE : 10TH FEBRUARY, 2025.

PC:

1. The First Appeal has been preferred by the original claimant challenging the impugned judgment dated 5th June 2018 passed by the reference Court under Section 18 of the Land Acquisition Act, 1894 (for short, 'LAR').

2. The facts of the case are that the land of the claimant came to be acquired for Sina Kolegaon Project. On 19th June 2009, the Special Land Acquisition Officer awarded compensation of Rs. 1,16,730/-.

3. Being dissatisfied, the reference came to be filed under Section 18 of the Land Acquisition Act. By the impugned judgment, the

reference came to be disposed of by rejecting the prayer for enhancement of compensation.

4. The learned counsel appearing for the Appellant would submit that the compensation which was awarded by the SLAO was inadequate as the market value of the land in the year 1977 was more than Rs.5 lakh per hectare. He would further submit that the Reference Court failed to take into consideration that the valuation of the trees was also on the lower side as the trees were fruit bearing trees. He submits that no evidence was led by the Respondents and despite thereof the Reference Court has dismissed the claim for enhancement of the compensation.

5. The impugned judgment notes that various objections were raised by the claimant regarding the failure of the Special Land Acquisition Officer to apply the correct principles for the determination of the market value. Considering that the grievance raised by the Claimant was that SLAO has not determined the correct market value for the acquired land, the burden was upon the claimant to establish the market value of the acquired land. One of the accepted mode of proving the market value is to show comparable sale instance.

6. In the present case, the impugned order notes that in spite of the opportunity of more than 6 years, the Claimant has failed to lead evidence to prove his claim for enhancement of compensation and ultimately, on 7th August 2017 his evidence came to be closed. Similarly, the State Government has not led any evidence in support of

the compensation awarded by SLAO.

7. The Reference Court has further considered the submissions of the Respondent-State that relevant sale transactions were taken into consideration by the Special Land Acquisition Officer to determine the market value of the acquired property. The Reference Court therefore, accepted the market value based on the comparable sale transaction which were basis of the award and in the absence of any evidence led by the claimant to show that the market value was more than what was determined by the SLAO has held that the determination of the market value by SLAO was adequate and proper.

8. Before this Court nothing has been demonstrated from the record to show that any evidence was led by the claimant or any document was produced in order to establish that the market value, which was determined by the SLAO was inadequate and that the Claimant should have been awarded compensation of Rs.4,25,000/- per hectare.

9. In the absence of any evidence, the Reference Court has rightly decided the reference proceedings. Resultantly, the First Appeal is devoid of merits and stands dismissed.

(SHARMILA U. DESHMUKH, J)