IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal No. 880 of 2001
With
Civil Application No.3684 of 2001

The State of Maharashtra … Petitioner
V/s.
Shantabai Tukaram Kedari-deleted

2. Shankar Tukaram Kedari and others … Respondents.

Mr. A.R. Patil	Addl.G.P. for the State
Mrs. Sonia Miskin	Advocate for the Respondent

CORAM : S.M. MODAK, J

DATE : 22nd October 2026.

P.C. :

1. I have heard learned AGP and learned Advocate Ms. Miskin for Respondents. Earlier learned Advocate M.B.Shah used to represent the Respondents, however, he is no more. I have granted time to Ms. Miskin to file Vakalatnama. However, she could not file it.

LATA SUNIL PANJWANI Digitally signed by LATA SUNIL PANJWANI Date: 2026.10.27 12:37:19 +0530

2. Learned AGP has taken me to the contents of the impugned judgment. The Court of Additional District Judge, Pune as per the Award dated 6th May 2000 passed in Land Reference No.116/1994 has enhanced the compensation for the structure. SLAO has awarded Rs.1,25.442/- whereas Reference Court has doubled it and

that is how granted additional compensation of Rs.1,25,442/- along with other benefits. The houses belonging to the Respondents and others were submerged in chuskman project situated at Village Vada, Tal. Khed, Dist. Pune. The structure of respondent is situated at land bearing Survey No.247. Survey Nos. 441, 340 and 247 were given for the project. Section-4 notification was issued on 3rd September 1986 whereas the award is declared on 8th November 1989. Possession was taken on 29th March 1990.

3. The valuation of the structure was done with the help of Architect and Government approved valuer. The valuation is excessive is a case put up by the Government. The claimants have given evidence and placed reliance on evidence adduced in Land Reference No.124/1994. The Reference Court has considered the report given by the valuer. The valuer has explained the description of the house about the wooden doors and teak wood construction and locality of those houses and that is how doubled the compensation for structure. This was primarily done on the basis of the rate fixed in Land Reference No.124/1994.

4. I do not find it excessive. At the same time, the Reference Court has granted rate of Rs.100/- per sq. meter for the land. The operative order in a present reference mentions about the area of Survey No.247 as 77.80 sq. meters. As such the claimants are entitled for the compensation for this area of the land at the rate of Rs.100/- per sq. meter.

5. In view of that I do not find there is merit in the appeal. It is dismissed. If the compensation for the land at above rate is not paid, the claimants are at liberty to approach the reference Court.

6. Pending civil application(s), if any, also stand disposed of.

(S.M. MODAK, J.)