

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4163 OF 2007

RANGNATH AND OTHERS

.. APPELLANT(S)

VERSUS

.. RESPONDENT(S)

STATE OF MAHARASHTRA

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Judicature at Bombay, Bench at Aurangabad in First Appeal No.877 of 2003, dated 06.12.2004, whereby and whereunder the High Court has set aside the judgment and order passed by the Reference Court and has held that the appellants-herein are entitled to compensation at Rs.8,000/- per acre for the acquired land.

2. The brief facts of the case are that the appellants-herein were the owners in possession of

land measuring 2 hectares 78 acres at G.No.118/1 situated in village Begada, Taluka and District Osmanabad. The said land was acquired by the Irrigation Department for the purpose of irrigation projects. The State Government issued a notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") dated 09.12.1987, and the same was published in the official gazette on 21.04.1988. Subsequently final notification under Section 6 of the Act was issued on 03.03.1989 after finalization of proceedings, and was published in the official gazette on 28.12.1989.

3. The special Land Acquisition Officer (for short, "L.A.O.") granted a meager compensation of Rs. 8,000/- per acre for the acquired land by award dated 19.05.1990.

4. Not being satisfied with the compensation so awarded by the L.A.O., the appellants made an

application to the L.A.O. under Section 18 of the Act seeking reference to the Civil Court for enhancement of compensation. Accordingly, the L.A.O. referred the case of the appellants to the Reference Court for determination of fair compensation for the acquired land, where it was registered as L.A.R. No.573/1991.

5. On appreciation of the entire evidence on record, the Reference Court partly allowed the reference and held that the appellants are entitled to receive an enhanced amount of compensation at the rate of Rs. 23,000/- per acre for the acquired land, along with statutory benefits and interest.

6. Aggrieved by the aforesaid judgment and order passed by the Reference Court, the respondent carried the matter by way of appeal before the High Court. After re-appreciating the entire evidence on record, the High Court set aside the judgment and order passed by the Reference Court and held that the

claimants are entitled to compensation at the rate of Rs.20,000/- per hectare *i.e.* Rs.8,000/- per acre for the acquired lands, along with statutory benefits and interest.

7. Being aggrieved by the judgment and order passed by the High Court, the appellants are before us in this appeal.

8. We have heard the learned counsel for the parties to the *lis*.

9. After going through the judgment and order passed by the High Court as well as the Courts below and also the documents on record and in view of the peculiar facts and circumstances of the case, we are of the considered opinion that the amount of compensation as awarded by the High Court be further enhanced.

10. Accordingly, we modify the judgment and order passed by the High Court, and enhance the compensation for the acquired land from Rs.8,000/- per acre to Rs.15,000/- per acre along with all consequential statutory benefits.

11. In the result, the Civil Appeal is allowed in terms of the order passed above.

.....CJI.
[H.L. DATTU]

.....J.
[ARUN MISHRA]

NEW DELHI,
NOVEMBER 24, 2015.

ITEM NO.13

COURT NO.1

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 4163/2007

RANGNATH & ORS.

Appellant(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

Date : 24/11/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. Sudhanshu S. Chaudhari, Adv.
Mr. Naresh Kumar, Adv.

For Respondent(s) Ms. Anagha S. Desai, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed
order.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]