IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

19 FIRST APPEAL NO. 1219 OF 2011

ARUN DIGAMBER GABALE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
WITH
CIVIL APPLICATION NO. 563 OF 2026
IN FAST/255/2026

GOPAL S/O. DHAONDIBA SATPUTE AND ANR.
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR LATUR AND ANR.
...
WITH
CIVIL APPLICATION NO. 564 OF 2026
IN FAST/272/2026

DIGAMBER S/O. MAROTI MOHTE AND ANR.
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE DIST COLLECTOR LATUR AND ORS.
...
WITH
CIVIL APPLICATION NO. 566 OF 2026
IN FAST/266/2026

PARAJI S/O. GUNAJI GANGOTRI.
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE DIST COLLECTOR LATUR AND ORS.
...
WITH
CIVIL APPLICATION NO. 565 OF 2026
IN FAST/269/2026

MADHAV S/O. GUNAJI GANGOTRI.
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE DIST COLLECTOR LATUR AND ORS.
...
Advocate for Applicants/appellants : Mr. S. S. Halkude
AGP for Respondent/State : Mr. A.D. Wange
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

Dated : August 31, 2026

PER COURT :-

1. In civil applications filed for delay condonation, the learned counsel for the applicants/original claimants submits that on the basis of same award, from the same village, some agriculturists have filed first appeals which are pending for admission since 2011 and therefore, the applications may be allowed considering that the applicants are agriculturists. Considering the above, I am inclined to condone the delay, subject to condition that the claimants in respective appeals are not entitled to interest or statutory benefits under the Land Acquisition Act from the date of award till today. The delay caused in in filing the appeal is condoned. The applications are allowed and disposed of.

2. Admit.

3. As the present acquisition proceedings were initiated in the year 2000, heard finally with the consent of the learned counsel for the respective parties.

4. By these appeals, the appellants/original claimants assail the judgment and award dated 19.4.2008 passed by the learned Civil Judge, Senior Division, Ahmedpur Camp at Udgir in LAR No. 60/2005, 59/2005, 54/2005, 55/2005 and 58/2005, whereby the reference court has not granted the compensation as claimed by the appellants.

5. The land of the claimants situated at village Jalkot, Tq. Jalkot, District Latur were acquired for the purpose of Percolation Tank No. 4 at Jalkot, Taluka Jalkot, District Latur. Notification under section 4 of the Land Acquisition Act was published on 7.12.2000. The Special Land Acquisition Officer (SLAO) has passed the award on 27.6.2003 and granted

compensation at the rate of Rs.295/- per R. to Rs.330/- per R. Being dissatisfied with the award of the SLAO, the claimants filed an applications before the Collector for referring the matter under section 18 of the Act for proper determination of the market value of the acquired land. The learned reference court after going through the evidence and examining the record and considering the sale instances, Exhs. 15 and 16 observed that the said sale instance, Exh. 15 can be relied upon as comparable sale instance and enhanced the compensation at the rate of Rs.1200/- per R. to Rs.2400/- per R. Being dissatisfied with the same, the present appeals are filed by the original claimants.

6. Mr. S.S. Halkude, learned counsel for the appellants/original claimants submits that the learned reference court has wrongly determined the market value of the acquired lands considering the sale deeds, 7/12 extracts on record. He therefore, prays to enhance the compensation.

7. Per contra, Mr. A.D. Wange, learned AGP supports the impugned judgment and award passed by the learned reference court and prays to dismiss the appeals filed by the claimants.

8. Having heard the learned counsel for the respective parties, with their assistance I have gone through the record and proceedings and the impugned judgment and award of the reference court and the sale instances on which the claimants relied before the reference court. After going through the same, I find that SLAO has granted compensation at the rate of Rs.295/- per R. to Rs.330/- per R. Section 4 notification came to be issued on 7.12.2000 and the lands of the claimants came to be acquired.

9. The claimants relied upon the sale instance dated 17.8.2000 below Exh. 15 by which 18 R. land from the Jalkot was sold for Rs.150000/- i.e.

Rs.8383/- per R. On perusal of sale instance, Exh. 16, I find that 9 R. land situated at village Jalkot was purchased by Arya Vishaya Samaj Smashanbhumi Jalkot for Rs. 100000/- i.e. Rs. 11111/- per R. Though the said sale instance, Exh. 16, was from the same village, but that was for small piece of land and therefore, the said sale instance was discarded by the reference court.

10. As regards sale instance, Exh. 15 is concerned, the reference court has observed by recording finding that the same can be considered as comparable sale instance. But while determining the compensation, without recording any reason straight way determined the compensation for acquired lands at the rate of Rs.1200/- per R. by considering the oral and documentary evidence on record. Infact once the reference court has placed reliance on sale instance below Exh. 15, the reference court ought to have determined the market value of the acquired lands, on the basis of said sale instance, Exh. 15 by which 18 R. land was sold for Rs.1,50,000/- considering the fact that at the relevant time Jalkot village was city. Though the said land is agricultural land, but the fact remains that as the sale instance is from the city and therefore, higher price for the land was given. Therefore, this court finds that as per sale instance, Exh. 15, by which land was purchased for commercial purpose and though the same was for small piece of land, deductions of 82% needs to be applied to determine the market value of the acquired land which comes to RS.1509/- per R. Therefore, for making it round off, I deem it appropriate to grant rate of Rs.1500/- per R. for dry land and Rs.3000/- per R. for irrigated land as per the categorization of the lands done by the reference court. Hence, all the appeals needs to be partly allowed. Hence, the following order.

O R D E R

(i) The appeals are partly allowed.

(ii) The claimants are entitled to receive compensation the rate of Rs.1500/- per R. for dry/Jirayat land and Rs.3000/- per R. for irrigated/Bagayat land for their acquired lands as per the categorization done by the learned reference court.

(iii) The appellants/claimants shall be entitled to all consequential statutory benefits under the provisions of the Land Acquisition Act, 1894 on the enhanced compensation in view of the judgment of Full Bench of this Court in the case of **State of Maharashtra vs. Kailas Shiva Rangari**, **2016 (4) Mh.L.J. 457**.

(iv) The claimants in the respective appeals shall not be entitled to receive interest for the period of delay.

(v) The claimants to pay deficit court fees, if any, on enhanced amount.

(vi) The impugned judgment and award of the reference court is modified accordingly.

(vii) Rest of the award shall remain unaltered.

(viii) Civil Application, if any, stands disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/