IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 FIRST APPEAL NO. 929 OF 2015

Monya Monshi Naik (Deceased)
Through L.Rs. Atrya Divlya Naik And Another
VERSUS
The State Of Maharashtra And Others

WITH
FIRST APPEAL NO. 927 OF 2015

Atrya Divalya Naik and Others
VERSUS
The State Of Maharashtra And Others

WITH
FIRST APPEAL NO. 928 OF 2015

Supa Chhanya Valvi and Others
VERSUS
The State Of Maharashtra And Others

WITH
FIRST APPEAL NO. 930 OF 2015

Resubai @ Relubai Vesta Valvi and Others
VERSUS
The State Of Maharashtra And Others

WITH
FIRST APPEAL NO. 931 OF 2015

Jatrya Monshi Naik (Deceased)
Through L.Rs. Bhanga Jatrya Naik and Others
VERSUS
The State Of Maharashtra And Others

WITH
FIRST APPEAL NO. 932 OF 2015

Amarsing Chamarya Padvi (Deceased)
Through L.Rs. Jalamsing Chamarya Padvi and Others
VERSUS
The State Of Maharashtra And Others

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Mr. Dhananjay Mane, Advocate h/f Mr. D.M. Pingale, Advocate for Appellants-Claimants
Mr. S.N. Morampalle, AGP for Respondents No.1 and 2

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 04 SEPTEMBER, 2026

PER COURT :

1. Heard the learned counsel Mr. Dhananjay Mane, holding for Mr. D.M. Pingale, learned counsel for the appellants-claimants, and the learned AGP Mr. S.N. Morampalle for Respondents No.1 and 2. Though served, none appears for Respondent No.3.

2. These appeals take exception to the common Judgment and Award dated 14.10.2014 passed by the learned Civil Judge, Senior Division, Shahada in Land Acquisition Reference Nos.01 of 2009 to 06 of 2009, whereby the references preferred by the respective claimants under Section 18 of the Land Acquisition Act, 1894 (for short, "the Act") came to be rejected.

3. The lands belonging to the respective claimants, situated at village Amlibari, Taluka Akkalkuwa, District Nandurbar, came to be acquired for the Minor Irrigation Project, Amlibari. The particulars of the acquired lands are as under:

Sr. No.	LAR No.	Survey/Gat No.	Area Acquired
1.	01 of 2009	66/29	1 H 09 R
2.	02 of 2009	68	0 H 09 R
3.	03 of 2009	66/1	1 H 10 R
4.	04 of 2009	60	02 H 02 R
5.	05 of 2009	65	02 H 43 R
6	06 of 2009	67	0 H 01 R

4. The notification under Section 4 of the Act was published on 08.07.2004. The Special Land Acquisition Officer (for short, "the SLAO") thereafter passed the Award under Section 11 of the Act on 10.06.2006 and determined the market value of the acquired dry land at the rate of Rs.53,000/- per hectare. Being dissatisfied with the quantum of compensation, the claimants received the amount under protest and sought references under Section 18 of the Act. The said references were accordingly made to the learned Reference Court.

5. Before the learned Reference Court, the claimants relied upon sale instances from adjacent villages, including the sale instance at Exhibit 22 from village Rajmohi and another sale instance from village Korai. The learned Reference Court noticed that no sale instance from village Amlibari was available. It examined the relied-upon sale instances and observed that the transaction from village Korai was not comparable, *inter alia*, having regard to the distance and the nature of the land. In respect of the sale instance relied upon at Exhibit 22, the learned Reference Court proceeded on the basis that the lands covered by the sale instances were irrigated lands and, after applying a reduction, found the resultant rates to be lower than the rate of Rs.53,000/- per hectare determined by the SLAO. The learned Reference Court, therefore, rejected the references.

6. Learned counsel for the appellants submits that the learned Reference Court failed to appreciate the sale instance at Exhibit 22 in its proper perspective. It is submitted that the said transaction relates to 1 H 10 R of land situated at village Rajmohi, which was sold for consideration of Rs.96,000/- on 04.05.2000. According to the learned counsel, village Rajmohi is situated only about 2 to 3 kilometres from village Amlibari and, therefore, the said transaction furnishes a reliable comparable instance, particularly when no suitable sale instance from the acquired village was available. It is further submitted that the SLAO had not based the valuation on any comparable sale transaction from Amlibari, but had relied principally upon the ready reckoner rate. Hence, according to the learned counsel, the market value deserved to be reassessed on the basis of Exhibit 22 after making reasonable deductions and applying appropriate escalation up to the date of the Section 4 notification.

7. Per contra, the learned AGP supports the impugned Judgment and Award. He submits that the sale instances relied upon by the claimants were not comparable with the acquired lands and that the learned Reference Court had examined the material on record and recorded cogent reasons for not granting enhancement. It is further submitted that the rate of Rs.53,000/- per hectare determined by the SLAO was already fair and reasonable. The learned AGP, however, does not dispute that there was no comparable sale transaction available from village Amlibari and that the

Court may independently examine the sale instance at Exhibit 22 on the basis of the evidence available on record.

8. I have considered the rival submissions and perused the Record and Proceedings and the reasons recorded by the learned Reference Court.

9. In the absence of any comparable sale instance from village Amlibari, the available sale instance from the adjacent village is required to be examined for determining the market value of the acquired lands. The valuation was, therefore, required to be assessed on the basis of the best available comparable evidence. The sale instance at Exhibit 22 is dated 04.05.2000 and relates to 1 H 10 R of agricultural land situated at village Rajmohi. The evidence on record indicates that village Rajmohi is situated at a distance of about 2 to 3 kilometres from the acquired lands at village Amlibari. Such distance, by itself, cannot render the transaction wholly irrelevant, particularly when no contemporaneous sale instance from the acquired village is available.

10. Therefore, the sale instance at Exhibit 22 can, therefore, be considered as a comparable sale instance, subject to appropriate adjustment having regard to the difference in location, situation and other relevant factors. The said transaction relates to 1 H 10 R of land sold for a consideration of Rs.96,000/-. The rate per hectare under the said transaction would accordingly work out to Rs.87,272.73/- per hectare. Having regard to the fact that the sale instance is from an adjacent village

and not from the acquired village itself, a deduction of 20% from the aforesaid rate would be appropriate. Thus, the deduction of 20% from Rs.87,272.73/- works out to Rs.17,454.55/-. Consequently, the rate after such deduction would work out to Rs.69,818.18/- per hectare. The sale transaction is dated 04.05.2000, whereas the notification under Section 4 of the Act was published on 08.07.2004. By applying cumulative escalation at the rate of 10% per annum for three years, the rate of Rs.69,818.18/- per hectare works out to Rs.92,928/- per hectare.

11. The aforesaid determination is also consistent with the assessment made by the learned Reference Court that the sale instances relied upon by the claimants, after appropriate deductions, worked out to rates comparable to the rate determined by the SLAO. However, the learned Reference Court failed to give due weight to the fact that Exhibit 22 was a transaction from a village situated in close proximity to the acquired lands and that there was no sale instance available from village Amlibari itself.

12. In view of the above discussion, the impugned Judgment and Award cannot be sustained to the extent that the learned Reference Court rejected the references in their entirety. The claimants are entitled to enhancement of compensation by determining the market value of the acquired dry land at Rs.92,928/- per hectare as on the date of publication of the notification under Section 4 of the Act, namely, 08.07.2004. Hence, the following order:

O R D E R

(i) The First Appeals are partly allowed.

(ii) The common Judgment and Award dated 14.10.2014 passed by the learned Civil Judge, Senior Division, Shahada in Land Acquisition Reference Nos.01 of 2009 to 06 of 2009 is quashed and set aside.

(iii) The market value of the acquired dry lands covered by Land Acquisition Reference Nos.01 of 2009 to 06 of 2009 shall be determined at the rate of Rs.92,928/- per hectare instead of Rs.53,000/- per hectare awarded by the Special Land Acquisition Officer.

(iv) The claimants shall be entitled to the enhanced compensation accordingly, after giving credit for the amount already paid.

(iv) The claimants shall be entitled to all consequential statutory benefits on the enhanced compensation in accordance with the provisions of the Land Acquisition Act, 1894.

(v) The claimants shall be entitled to interest on the enhanced compensation in accordance with Sections 28 and 34 of the Act and the law laid down by the Full Bench in ***State of Maharashtra v. Kailas Shiva Rangari, 2016 (3) Mh.L.J.*** 457.

(vi) The appellant-claimant shall pay deficit court fees.

(vii) Modified award be drawn accordingly.

(viii) Pending Civil Applications, if any, stand disposed of.

13. The learned counsel for the appellants submits that these proceedings have been pending since 2009 and that some of the appellants are reported to have expired. Therefore, the legal heirs of the deceased appellants are at liberty to initiate execution proceedings before the Executing Court upon obtaining the requisite succession certificate/heirship certificate.

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane