IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 FIRST APPEAL NO. 1429 OF 2007

THE DIVISIONAL CONT. M S R T C DHULE
VERSUS
ANIL NAROTTAM PATEL AND ORS.
...
WITH
X-OBJECTION (STAMP) NO. 6278 OF 2008
IN FA/1260/2008

YASINJAMAL KHAWAJA MATINODDIN KAZI
VERSUS
THE SPECIAL LAND ACQ. OFFICER AND ORS
...
WITH
X-OBJECTION NO. 134 OF 2025
IN FA/1429/2007

ANIL NAROTTAM PATIL AND ORS.
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER AND ORS
...
WITH
CIVIL APPLICATION NO. 9135 OF 2022
IN X-OBJST/6278/2008

YASINJAMAL KHAWAJA MATINODDIN KAZI (DIED) THR LRS. SHAHIN MATIN KAZI AND OTHERS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, DHULE AND OTHERS
...
WITH
CIVIL APPLICATION NO. 9136 OF 2022
IN X-OBJST/6278/2008

YASINJAMAL KHAWAJA MATINODDIN KAZI (DIED) THR LRS. SHAHIN MATIN KAZI AND OTHERS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, DHULE AND OTHERS
...
WITH
FIRST APPEAL NO. 1340 OF 2008

THE DIVISIONAL CONTROLLER, M S R T C DHULE
VERSUS
SUNIL NAROTTAM PATIL AND ORS.
...
WITH
FIRST APPEAL NO. 1260 OF 2008

THE DIVISIONAL CONTROLLER M S R T C DHULE
VERSUS
MRS. YASINJAMAL KHAWAJA MATINODDIN KAZI ANDORS.
...
WITH
X-OBJECTION NO. 132 OF 2025
IN FA/1340/2008

SUNIL NAROTTAM PATIL AND ANR
VERSUS
THE SPECIAL LAND ACQ. OFFICER AND ORS
...
Advocate for the X-objector/original claimants : Ms. Aishwarya C. Deshpande h/f. Mr. C.R. Deshpande
AGP for Respondent/State : Mr. S.N. Morampalle
Advocate for Respondent/acquiring body : Mr. Manoj D. Shinde h/f. Mr. D.S. Bagul
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

Dated : September 22, 2026

PER COURT :-

1. As the acquisition proceedings are of the year 1992 heard finally with the consent of learned counsel for the respective parties.

2. In all these appeals, the acquiring body assails the judgment and award dated 23.3.2001 passed by the learned Civil Judge Senior Division, Shahada in LAR Nos. 41, 37 and 36 of 1998, whereby the learned reference court enhanced the compensation in favour of the respondents/original claimants. Original claimants also seek further enhancement of compensation for their acquired lands by filing cross objections.

3. The details of the lands of the claimants are as follows :-

Sr. No.	FA No.	LAR No.	X-Obj. No.	Area and Guat No.	SLAO awarded amount
1	1429/2007	41/98	134/25	13500 Sq. Mtrs. from Gat No. 181/2	Rs.45/- per Sq. Mtr.
2.	1340/2008	37/98	132/25	13300 Sq.Mtrs. from Gat No. 182/2	Rs.50/- per Sq. Mtr.
3.	1260/2008	36/98	St. 6278/08	10000 Sq.Mtrs. from Gat No. 181/2	Rs.40/- per Sq. Mtr.

The above lands of the claimants were acquired for construction of S.T. Bus Stand and Depot at Shahada, District Dhule. Notification under section 4 of the Land Acquisition Act came to be published on 3.12.1992 and the award under section 11 of the Act came to be declared on 17.10.1994. The SLAO has granted compensation at the rate of Rs.40/- to 50/- per Sq. Mtr. as mentioned above. After receipt of the amount under protest the claimants filed references under section 18 of the Act by contending that the SLAO has granted very inadequate compensation and claimed for enhancement. Before the reference court, the claimants relied upon the four sale instances, Exhs. 59, 60, 91 and 93. The reference court, relying upon the sale instance Exh. 93 determined the compensation at the rate of Rs.55/- per Sq. Mtr. and therefore, acquiring body assails the said order by filing present first appeals.

4. The original claimants have also filed cross objections by contending that the acquired lands were having N.A. potential and more particularly, the acquired lands were already included in municipal limits of Shahada and therefore, the claimants are entitled to receive rate for non agricultural land and not for agricultural land. They contended that the reference court has observed that the acquired lands were within municipal limits of Shahada and were also having N.A. potential. Still the reference court has considered the sale instance, Exh. 93 and determined the rate. Hence, they filed the cross objections.

5. Mr. Manoj Shinde, learned counsel for acquiring body submits that the reference court ought not to have relied upon the sale instance below Exh. 93 as the acquired lands and the land involved in sale instance, Exh. 93 are situated far away from each other, more particularly, the father of the

claimants in one appeal has purchased the said land and therefore, it is unsafe to rely upon the sale instance, Exh. 93. He submits that as per sale instance, Exh. 93, one Acre land was sold for Rs.2,11,000/- in the year 1992 and therefore, as per that sale instance, the learned reference court ought to have granted compensation at the rate of Rs. 52.5 per sq. mtr., however, despite of that the learned reference court has granted compensation at the rate of Rs.55/- per sq. mtr. and therefore, he prays to allow the appeal.

6. Per contra, Ms. Aishwarya Deshpande h/f. Mr. C.R. Deshpande learned counsel for original claimants submits that before the reference court the claimants relied upon four sale instances, Exhs. 59, 60, 91 and 93. She submits that the learned reference court ought to rely upon sale instance below Exh. 60 by which highest sale consideration was paid and the land involved in Exh. 60 is adjacent to the acquired lands, but the learned reference court has wrongly relied upon sale instance Exh. 93 and determined the market value of the acquired lands and therefore, she claimed that claimants are entitled to receive compensation as per the sale instance, Exh. 60.

7. Having heard the learned counsel for the respective parties, with their able assistance I have gone through the record and proceedings, impugned judgment and award, the sale instances below Exh. 59, 60, 91 and 93. As regards sale instance, Exh. 59 is concerned, land admeasuring 336.5 sq. mtrs. was sold for Rs.50,500/- and the said plot was already converted into non agricultural plot. As regards sale instance, Exh. 60 is concerned, the N.A. plot admeasuring 322 sq. mtrs. was sold for Rs.1,32,000/-. As regard sale instance, Exh. 91 is concerned, 81 R. land was sold for Rs.1,01,000/-.

As regards sale instance, Exh. 93 is concerned, the sale consideration is of Rs.2,11,000/- for the land admeasuring 1 Acre. The learned reference court relying upon the sale instance, Exh. 93 determined the compensation, but infact there were other sale instances and those needs to be considered while determining the correct market value of the acquired lands.

8. As regards sale instance Exh. 60 is concerned, it is dated 12.5.1992 by which 322 sq. mtrs. land was sold for Rs.1,32,000/-. The said land is one and half k.m. away from the acquired lands and therefore, in my view, the same can be considered as comparable sale instance. As regards the land involved in sale instance, Exh. 91 is concerned, it was 3 k.m. away from the acquired lands and as regards land involved in sale instance, Exh. 93 is concerned, that was at the distance of 800 ft. from the acquired lands on which the learned reference court placed reliance. But the fact remains that the acquired lands were already within municipal limits of Shahada Municipal Council. Therefore, the acquired lands were having N.A. potential and therefore, this court is of the opinion that the sale instance, Exh. 59 can be considered as comparable sale instance to determine the correct market value of the acquired land. As per that sale instance, Exh. 59, 336.5 sq. mtrs. land was sold for Rs.50,500/- and the rate comes to Rs.150/- per sq. mtr. The said plot was non agricultural land and therefore, it can safely be presumed that the acquired lands were also having N.A. potential as the same is acquired for construction of Bus stand and Depot. Therefore, the sale instance below Exh. 59, can be considered as comparable sale instance for determining the correct market value, but by applying certain deductions. Therefore, by applying 50% deductions the rate comes to Rs.75/- per sq. mtr. and therefore, the appeals filed by the acquiring body

needs to be dismissed. Hence, the following order :-

O R D E R

(i) The appeals filed by the acquiring body and the cross objections filed by the claimants are partly allowed.

(ii) The claimants are entitled to receive compensation at the rate of Rs.75/- per sq. mtr. for their acquired lands.

(iii) The claimants are also entitled to all statutory benefits including interest under section 28 and 34 of the Act in accordance with the law laid down by the 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 shall not be entitled to receive interest and other statutory benefits for the delayed period, if any, i.e. from the date of award till today.

(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) Pending civil application, if any, stands disposed of.

(ix) Claimants and/or legal heirs of the claimants are permitted to withdraw the amount deposited by the acquiring body along with the interest accrued thereon. At the time of payment, Registrar Judicial shall verify all the requisite documents along with heirship certificate, if any.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/