



THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

FIRST APPEAL NO. 832 OF 2004

1. Balaji s/o Shankar Kale
Age: 38 years, Occu. Agril.,
R/o. Vasarni Tq. & Dist. Nanded.
2. Gyanoba s/o Shankar Kale,
Age: 35 years, Occu. Agril.
R/o. Vasarni Tq. & Dist. Nanded.

... **Appellants**
(Ori. Claimants)

Versus

1. The State of Maharashtra
Through Collector, Nanded.
2. The Special Land Acquisition Officer
Upper Penganga Project,
No.1, Janta Market First Floor,
College Road, Nanded.
3. City and Industrial Development
Corporation of Maharashtra
per its Administrator, Nanded.

... **Respondents**

...
Mr. A. R. Deshmukh, h/f Mr. B. G. Deshmukh, Advocate for Appellants.
Mr. S. B. Jadhav, AGP for Respondent Nos.1 & 2 / State.
Mr. Shambhuraje V. Deshmukh, Advocate for Respondent No.3.

...

AND

FIRST APPEAL NO. 833 OF 2004

Osmankhan S/o Imamkhan
Age-59 years, Occu: Agri
R/o Vasarni Tq. and Dist. Nanded.

... **Appellant**
(Ori. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Nanded.
2. The Special Land Acquisition Officer,
Upper Penganga Project
No.1 Janta Market First Floor
College Road, Nanded.
3. City & Industrial Development
Corporation of Maharashtra,
Nanded per its Administrator
R/o Nanded.

... Respondents

...

Mr. A. R. Deshmukh, h/f Mr. B. G. Deshmukh, Advocate for Appellant.

Mr. Virendra V. Jahagirdar, AGP for Respondent Nos.1 & 2 / State.

Mr. Shambhuraje V. Deshmukh, Advocate for Respondent No.3.

...

AND**FIRST APPEAL NO. 834 OF 2004**

Ganpat s/o Jalbaji Kale
Age: 50 years, Occu. Agril.,
R/o. Vasarni Tq. & Dist. Nanded.

... Appellant
(Ori. Claimant)**Versus**

1. The State of Maharashtra
Through Collector, Nanded.
2. The Special Land Acquisition Officer
Upper Penganga Project,
No.1, Janta Market First Floor,
College Road, Nanded.
3. City and Industrial Development
Corporation of Maharashtra
per its Administrator, Nanded.

... Respondents

...
 Mr. A. R. Deshmukh, h/f Mr. B. G. Deshmukh, Advocate for Appellant.
 Mr. S. G. Joshi, AGP for Respondent Nos.1 & 2 / State.
 Mr. Shambhuraje V. Deshmukh, Advocate for Respondent No.3.
 ...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 28th January, 2026.

ORAL JUDGMENT:

1 These appeals are preferred by the claimants / appellants against the separate judgments and awards dated 20th January, 2004 passed by the learned Land Reference Court, District Nanded, in Land Acquisition References, as per the following chart:-

Sr. No.	Appeal No.	LAR No.	Land Survey / Block No.
1	F.A. No.832 / 2004	LAR No.111 / 1988	53/B
2	F.A. No.833 / 2004	LAR No.54 / 1989	38/B/1
3	F.A. No.834 / 2004	LAR No. 90 / 1988	42/B/2

2 The learned Advocate for the appellants pointed out the pleadings, the evidence, the impugned judgments and awards, and the grounds of objections of the appeals. He submitted that there are six sale exemplars at Exhibits – 33, 39, 40, 42, 43 and 54. The highest sale exemplar at Exhibit – 39 is of Rs.77,000/- per Acre, dated 11th October, 1985, of the agricultural land was purchased for running

a petrol pump. He further pointed out a sale exemplar at Exhibit – 33, which was executed on 7th May, 1982, for a consideration of Rs.71,000/-, for 40 R land. He also pointed out the judgment and award dated 14th August, 1992, passed by the learned Reference Court in LAR No.95 of 1988, in which an amount of compensation @ Rs.72,248/- per Acre was awarded. He pointed out the reasons and findings of the learned Reference Court and submitted that the reasons given by the learned Reference Court are not convincing and acceptable, either on facts or law. He submitted that the sale exemplars were not properly appreciated. He pointed out that in LAR No.111 of 1988 and LAR No.90 of 1988, the learned Reference Court awarded compensation for the agricultural lands @ Rs.25,000/- per Acre, however, in LAR No.54 of 1989, the amount of compensation for the acquired land is awarded @ Rs.35,000/- per Acre. Why there is discrimination, is not clarified by the learned Reference Court in the reasons of the impugned judgments. He submitted that the sale exemplar at Exhibit – 33 discloses that it was the land purchased for the plotting or construction of houses of the Cooperative Society and it has to be relied upon. He submitted to set aside the impugned judgments and awards and allow these appeals by enhancing the amount of compensation of the acquired lands of the appellants.

3 The learned AGP for respondent Nos.1 and 2 strongly opposed these appeals and submitted that the reasons and findings of the learned Reference Court are legal and correct and no interference is warranted. He further pointed out that the reasons and findings are as per the prevailing market rate at the time of notification under Section 4 of the Land Acquisition Act, 1894. He submitted to dismiss these appeals, as there is no substance in the grounds of objections of it.

4 The learned Advocate for respondent No.3 also strongly opposed these appeals and submitted that sale exemplar at Exhibit – 39, for consideration of Rs.77,000/- per Acre dated 11th October, 1985, cannot be relied upon, as the said property was purchased for the commercial purpose of running a petrol pump. He submitted that the learned Reference Court has rightly appreciated the matter before it. The claimants have not adduced the evidence to establish the relevancy, applicability and that the sale transactions were *bona-fide*. The claimants have not adduced evidence of location, advantages and disadvantages of both the properties showing similarity or distinction. He submitted that sale exemplar at Exhibit – 33 cannot be relied upon because it is not adjacent property to the acquired lands of the claimants. The claimants' properties are situated in an interior

part of rural area. The sale exemplar at Exhibit – 33 is of a small size of one Acre land only and it was purchased by the Cooperative Housing Society, as the said land was adjacent to that society. Further, the said land and the cooperative society were adjacent to the Gavthan area of village Vasarni. Therefore, it must have fetched the higher value. He lastly submitted to dismiss these appeals, as there is no substance in the grounds of objections of it.

5 Perused the impugned judgments, the evidence, the pleadings, the grounds of objections of the appeals and the reasons and findings in the impugned judgment.

6 The undisputed facts are that by notification published under Section 4 of the Land Acquisition Act, 1894 (for short, “the said Act”) dated 21st March, 1985, the lands of the claimants were acquired. Thereafter, possession of the acquired lands was taken on 15th May, 1985 and final award was passed on 27th February, 1985 by the Land Acquisition Officer (for short “the LAO”) by awarding the compensation @ Rs.12,000/- per Acre. The learned Reference Court awarded Rs.25,000/- per Acre in LAR Nos.111 and 90 of 1988, and Rs.35,000/- per Acre in LAR No.54 of 1989.

7 On perusal of all the six sale exemplars alongwith the judgment dated 14th August, 1992 passed by the learned Reference Court in LAR No.95 of 1988, this Court is of the view that sale exemplar at Exhibit – 39, which was relied upon by that Court in LAR No.95 of 1988, was for the commercial purpose i.e. for running a petrol pump and therefore, highest consideration must have been paid by the purchaser for that. The sale exemplar at Exhibit – 43, dated 21st June, 1985, is executed after the process of acquisition was completed in respect of appellants' lands. Therefore, these two sale exemplars i.e. Exhibits – 39 and 43 cannot be relied upon.

8 The sale exemplar at Exhibit – 33 was executed on 7th May, 1982, for a consideration of Rs.71,000/-, for 40 R land i.e. one Acre. The said land is situated adjacent to village Vasarni purchased by co-operative housing society having small size of 40 R, as compared to the area of acquired lands of the claimants admeasuring 1 H 92 R, 1 H 21 R and 2 H 42 R. Further, the lands of the claimants are not adjacent to the road or highway etc. In these circumstances, it would be proper to deduct 20% of the amount for big size of lands of the claimants. If 20% amount of Rs.14200/- per Acre is deducted from Rs.71,000/-, then it comes to Rs.56,800/-.

9 The sale example at Execution – 33 was executed on 7th May, 1982, and the lands of the claimants were acquired on 21st March, 1985. As per the settled law, the claimants are entitled to an cumulative increase of 10% on account of escalation of prices on the said amount of Rs.56,800/-. If the said amount of Rs.56,800/- is increased by 10% with cumulative effect of three years, then it comes to Rs.75,600/- per Acre, for which the claimants are entitled for compensation for their acquired lands as on the date of notification under Section 4 of the Land Acquisition Act dated 21st March, 1985. Therefore, these appeals deserve to be allowed. The impugned judgments and awards deserve to be partly set aside. Hence, the following order:-

ORDER

- I. The first appeals are allowed.
- II. The impugned judgments and awards are partly set aside and modified as under:-
 - a) The claimants are entitled for the compensation @ Rs.75,600/- per Acre for their acquired lands, including the earlier amount of compensation awarded and received by the claimants.

- b) The claimants are also entitled for additional statutory benefits i.e. component, interest and solatium as per the provisions of the Land Acquisition Act, 1894.
 - c) Rest of the judgments and awards are confirmed.
 - d) Award be drawn up as per the above modification.
- III. If delay caused in filing the first appeals at the instance of the claimants has been condoned, the claimants shall not be entitled to interest and other statutory benefits for the said period of delay.
- IV. Respondent No.3 is directed to deposit the enhanced amount of compensation alongwith statutory benefits, in this Court within a period of six months from today.
- V. If the court fees is not paid, on payment of court fees, the enhanced amount of compensation be paid to the claimants / appellants.
- VI. Pending civil applications, if any, is disposed of.
- VII. Record and proceedings be sent back.

[SANJAY A. DESHMUKH, J.]