



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 FIRST APPEAL NO. 688 OF 2010

DATTATRAYA BHAGAWAN JOSHI
VERSUS
THE STATE OF MAH AND ANR

...

WITH
FIRST APPEAL NO. 687 OF 2010

PRAKASH NATH JOSHI
VERSUS
THE STATE OF MAH AND ANR

...

WITH
FIRST APPEAL NO. 690 OF 2010
WITH

CIVIL APPLICATION NO. 3441 OF 2016 IN FA/690/2010

SURESH MANOHAR JOSHI
VERSUS
THE STATE OF MAH AND ANR

...

WITH
FIRST APPEAL NO. 686 OF 2010

VITHAL GANESH JOSHI(DIED) LRS TUKARAM VITHAL JOSHI
VERSUS
THE STATE OF MAH AND ANR

...

Advocate for Appellants : Mr. D.R. Jayabhar
AGP for Respondent/State : Mr. A.D. Wange

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CORAM : SIDDHESHWAR S. THOMBRE, J.

Dated : September 07, 2026

PER COURT :-

1. As the present acquisition proceedings were initiated in the year 1990, heard finally with the consent of the learned counsel for the respective parties.
2. By these appeals, the appellants/original claimants assail the judgment and award dated 8.12.2009 passed by the learned Civil Judge,

Senior Division, Osmanabad in LAR Nos. 487/1994, 507/1994, 492/1994 and 486/1994, whereby the learned reference court has refused to enhance the compensation to the extent claimed by the claimants.

3. The land of the claimant in LAR No. 486/1994 admeasuring 1 H. 40 R. from Gat/Survey No. 16/3 and 5 R. from Gat/Survey No. 16/5, land of the claimant in LAR No. 492/1994 admeasuring 1 H. 80 R. from Gat/Survey No. 16/1 and 90 R. from Gat/Survey No. 16/7, land of the claimant in LAR No. 487 admeasuring 1 H. 40 R. from Gat/Survey No. 16/2 and 48 R. from Gat/Survey No. 16/8 and land of the claimant admeasuring 40 R. from Gat/Survey No. 16/4 and 52 R. from Gat/Survey No. 16/6, all situated at village Malewadi, Taluka Bhoom, District Osmanabad were acquired for construction of Andrud Percolation Tank at Andrud. Notification under section 4 of the Land Acquisition Act was published on 23.8.1990. Section 6 notification was published on 15.10.1990. The learned Special Land Acquisition Officer (SLAO) has declared the award on 25.5.1994 and has granted compensation at the rate of Rs. 4000/- per Acre. After accepting the amount of compensation under protest, being dissatisfied with the award of the SLAO, the claimants filed applications before the Collector for referring the matters under section 18 of the Act for proper determination of the market value of the acquired lands. Before the reference court the claimants relied upon the sale instances from village Nipani which are at Exhs. 34 and 35 and those were not considered by the reference court. But relying upon the order passed in LAR No. 175/1991 and 176/1991 dated 2.3.1993 has granted compensation at the rate of Rs.17760/- per Acre and therefore being aggrieved, the claimants have filed the present appeals.

4. The learned counsel for the original claimants submits that the

learned reference court has not considered the sale instances, Exhs. 34 and 35 which are from Nipani, adjacent village. He further submits that the acquired lands were irrigated lands. The learned reference court by only relying upon the judgment in the LAR No. 175/1991 and 176/1991 has wrongly granted compensation. The learned reference court ought to have relied upon the sale instances, Exhs. 34 and 35 and ought to have granted compensation accordingly. He therefore prays to enhance the compensation.

5. Per contra, the learned AGP for the State supports the order passed by the reference court and submits that the sale instances at Exh. 34 and 35 were not from the adjacent village as no documentary evidence was produced by the claimants to fortify their claim. He further submits that the acquired lands were not irrigated lands as 7/12 extracts at Exhs. 41 to 45 do not disclose any source of water for irrigation in the said lands and the crop pattern also does not disclose that any irrigated crops were taken in the acquired lands. He therefore, prays to dismiss the appeals.

6. Having heard the learned counsel for the respective parties, with their able assistance I have gone through the record and proceedings and the impugned judgment and award of the reference court. From perusal of the above record, it reveals that both the sale instances at Exhs. 34 and 35 on which claimants relied are from the different village i.e. village Nipani and no evidence was produced by the claimants to show that Nipani and the village from where the lands were acquired in the present proceedings were situated adjacent to each other. On perusal of the record, it further reveals that there is nothing on record to establish the distance between the acquired lands and land involved in above sale instances and therefore, the learned reference court has rightly discarded them.

7. So far as the nature of the acquired lands is concerned, the 7/12 extract at Exhs. 41 to 45, do not show any source of water. Therefore, learned reference court has rightly treated the acquired lands as jirayat lands.

8. On perusal of the impugned judgment, it reveals that the learned reference court relying upon the order passed in LAR No. 175/1991 and 176/1991, which arises out of the same acquisition proceedings, for the same project, though from notification under section 4 was different, by granting 12% progressive cost per year up to 23.8.1990 i.e. the date of notification under section 4 of the Act in the present matters, the rate of Rs. 17,760/- per Acre was rightly determined by the reference court. It is seen that the claimants have claimed rate of Rs.19000/- per Acre for their acquired lands and the reference court has granted rate of Rs.17,760/- per Acre and therefore, I find that the learned reference court has granted reasonable compensation and therefore, there is no scope to further enhance the compensation.

9. Hence, the appeals are devoid of merits and the same are dismissed. Pending civil applications, if any, also stands disposed of. No order as to costs.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/