IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
968 FIRST APPEAL NO. 601 OF 2006

State Of Mahn Thr Collector, Aurangabad And Ors
VERSUS
Babasaheb Ranganath

WITH
FIRST APPEAL NO. 602 OF 2006

The State Of Mah
VERSUS
Balnath Laxman

WITH
FIRST APPEAL NO. 583 OF 2006

The State Of Mah
VERSUS
Laxman Ramrao Pagar

WITH
FIRST APPEAL NO. 588 OF 2006

State Of Mah Thr Collector Aurangabad And Ors
VERSUS
Ratan Trambak Manjre

WITH
FIRST APPEAL NO. 590 OF 2006

The State Of Mah
VERSUS
Ramesh Asaram And Ors.

WITH
FIRST APPEAL NO. 592 OF 2006

State Of Mah
VERSUS
Gangadhar Eknath Pagar And Anr

WITH
FIRST APPEAL NO. 593 OF 2006

State Of Mah
VERSUS
Parasram Waman Pagar

WITH
FIRST APPEAL NO. 585 OF 2006

The State Of Mah
VERSUS
Ananda Parbhat Pagar

WITH
FIRST APPEAL NO. 587 OF 2006

The State Of Mah
VERSUS
Keshav Kisan And Ors.

WITH
FIRST APPEAL NO. 598 OF 2006

The State Of Mah
VERSUS
Kachru Bhika Pagar

WITH
FIRST APPEAL NO. 584 OF 2006

State Of Mah Thr Collector, Aurangabad
VERSUS
Usman Lalu Shaikh Rajrabee Usman

WITH
FIRST APPEAL NO. 599 OF 2006

The State Of Mah
VERSUS
Dagadu Bhivsan Pagar

WITH
FIRST APPEAL NO. 596 OF 2006

The State Of Mah
VERSUS
Uttam Trimbak Manjre

WITH
FIRST APPEAL NO. 594 OF 2006

State Of Mah Thr Colector Aurangabad And Ors
VERSUS
Sakharam Trambak Manjre

WITH
FIRST APPEAL NO. 586 OF 2006

The Collector And Ors
VERSUS
Ramnath Sambre And Anr

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Mr. S. S. Dande, AGP for Appellants/State.
Mr. A. B. Kale for the Respondents.

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 25 JUNE 2026

P. C.:

1. Heard learned counsel for the respective parties.

2. By the present Appeals, the Appellants/State assail the judgment and award dated 29th April 2004, passed by learned Civil Judge Senior Division, Aurangabad in LAR Nos.100, 271, 129, 105, 127, 172, 101, 110, 104, 102, 103, 108, 176, 170 and 177 of 2001 whereby the Reference Court granted enhanced compensation to the Respondents/Claimants along with other

consequential benefits.

3. Mr. Dande, leaned AGP for the Appellants/State submits that the Reference Court committed apparent error in enhancing the compensation which was not supported by adequate material. The SLAO had undertaken due procedure of law and appropriate inspection along with joint measurement was carried out before arriving at market value. The comparable sale instances relied upon by the Respondent/Claimant is incompatible. He further submits that considering the location and potential of land under acquisition, the Reference Court has grossly erred in enhancing the compensation. The Reference Court further committed error in granting statutory benefit of solatium, additional component and interest. Such enhancement has caused illegal burden on the public exchequer. Therefore, he prays that the impugned award be set aside.

4. Per contra, learned counsel for the Respondent/Claimant vehemently opposes the present Appeal on the ground that the Respondent/Claimant had adduced evidence before learned Reference Court and has placed on record genuine and comparable sale instances for arriving at market value. He further submits that the land acquired was having facilities like water supply, electricity supply and was of equal quality, fertility and potentiality. Whereas, the Appellants/State has not adduced any evidence. Nothing infirm has been brought on record in the cross-examination of the Claimant by the Appellants/State so as to cast any doubt on the veracity of evidence

of Claimant. The comparable sale instances produced on record showed higher market value. The sale instances were prior to the date of award. Hence obviously there ought to have been an annual increase in the market value. The land in question was superior to the land covered by the comparable sale instances. Therefore, the market value of the land in question is higher than that of comparable sale instances.

5. He further submits that the Appellants/State has adduced neither oral evidence nor documentary evidence to show that the comparable sale instances were beyond market value. The Appellants/State has not led evidence to show that the price fixed by the SLAO was just, reasonable and adequate. Therefore, the learned Reference Court has rightly appreciated the evidence adduced by Respondent/Claimant and granted enhanced compensation along with solatium, additional component and interest. In support of his contention he relies upon the law laid down by Full Bench of this Court in ***State of Maharashtra Vs. Kailash Shiva Rangari*** (2016(3) Mh.L.J. 457).

6. Upon considering the rival submissions, the following points for determination arose for reaching the conclusion:

I. Whether the enhancement granted by the Reference Court is liable to be quashed?

II. Whether the statutory benefits extended by the Reference Court are in accordance with law?

The record reveals that the Respondent/Claimant has adduced oral as well as documentary evidence whereas the Appellants/State has not adduced either oral or documentary evidence.

7. As to point No.I :-

The Respondent/Claimant has produced on record comparable sale instances as sale deeds at Exh.26 and 28. The land in the said sale instances was from the same village as that of the land acquired in the present matter. Therefore, the learned Reference Court has rightly relied on the market value of the land in the said sale instances. The Reference Court has also considered reasonable increase in the market value after the date of execution of comparable sale instances till the passing of the impugned award by the SLAO.

8. The Hon'ble Apex Court in ***Trishala Jain Vs. State of Uttaranchal*** (AIR 2011 SC 2458) has held that it is permissible to guess fixation of probable market value, which has been rightly followed by the Reference Court. The Appellants/State has failed to make out any case for interference in fixing rate which is reasonable and akin to the market value at the relevant time.

9. It is noticed that enhancement granted by Reference Court is within four times than that of SLAO. Therefore, the matter is covered by Government Resolution No.Sankirna-2014/Prak.Kra.4/Bham-1/A-4 dated 3rd November 2016 with Corrigendum dated 23rd February 2017 and 13th August 2018 to the said Government Resolution. On that count also the

enhancement needs to be upheld. Based on the above discussion I do not find any illegality in the enhancement of compensation by the Reference Court. Hence, I answer Point No.I in negative.

10. As to Point No.II:-

The claimants have been granted statutory benefit such as 30% solatium under Section 23(2), 12% increase under Section 23(1-A), interest under Section 28 and 34 of the Land Acquisition Act, 1894 at the appropriate rate. The issue of interest is no more a *res integra* and is already covered the law laid down by Full Bench of this Court in ***Kailash Shiva Rangari*** (supra). Hence, no case is made out by the Appellants to show any fault or illegality in awarding statutory benefits and the interest. Hence, I answer Point No.II in negative.

11. For the reasons stated above, I do not find any perversity or illegality in the impugned judgment and award. Hence, I pass the following order:-

O R D E R

i. First Appeals are dismissed.

ii. No order as to costs.

iii. Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE, J.]