IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 FIRST APPEAL NO. 518 OF 2008
WITH
CIVIL APPLICATION NO. 5334 OF 2019 IN FA/518/2008

BHASKAR GANGARAM HISALKAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
WITH
X-OBJECTION NO. 121 OF 2022
IN FA/1077/2015

GOVINDRAJ MADHAVRAO CHITRAL AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
WITH
FIRST APPEAL NO. 1077 OF 2015

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALNA
VERSUS
GOVINDRAJ MADHAVRAO CHITRAL AND OTHERS
...
Advocate for Appellant/claimants/X-objector in respective matters : Ms. Monika U. Boldhane h/f. Mr. H.V. Tungar, Mr. A.B. Kale
AGP for Respondent/State in respective matters : Mr. S.S. Dande
Advocate for Respondent/acquiring body/appellant in respective matters : Mr. B.R. Survase & Mr. Sudhir G. Bhalerao
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : September 22, 2026

PER COURT :-

1. As the acquisition proceedings are initiated in the year 1993, heard finally with the consent of learned counsel for respective parties.

2. By the FA No. 1077/2015, the acquiring body assails the judgment and award dated 29.4.2010 passed by the Ad-hoc District Judge-1, Jalna in LAR No. 75/1996. In the above first appeal, claimants have also filed cross objection bearing No. 121/2022 for enhancement of compensation. First

Appeal No. 518/2008 is filed by the original claimant, assailing the judgment and award dated 13.3.2006 passed by the learned IV Ad-hoc Additional District Judge, Jalna which came to be dismissed.

3. In First Appeal No. 1077/2015, the land of the claimant admeasuring 3 H. 35 R. from Gat No. 122 situated at Kukadgaon, Taluka Ambad, Dist. Jalna was acquired for construction of Bruhat M.I. Tank, Sukhapuri, Taluka Ambad, District Jalna. Notification under section 4 of the Land Acquisition Act was published on 9.12.1993. The possesion was taken over by the acquiring body on 14.5.1996. The Special Land Acquisition Officer (SLAO) has declared the award on 7.3.1996 and has granted compensation at the rate of Rs.420/- per R. for land admeasuring 2 H. 1 R. (excluding 1 H. DV land) and has also granted compensation towards trees.

4. In First Appeal No. 518/2008, the land of the claimant admeasuring 4 H. 94 R. from Gat No. 122 situated at village Sukhapuri, Taluka Ambad, Dist. Jalna was acquired for the same project, by same notification.

5. As far as FA No. 1077/2015 is concerned, the acquiring body assails the judgment and award of the reference court mainly on the ground that the referene court has granted comepnsation for acquired trees. Mr. Sudhir Bhalerao, learned counsel for acquiring body submits that as regards valuation of the land is concerned, claimants relied upon five sale instances and out of that one sale instance from village Kukadgaon is executed after section 4 notification. As far as other sale instances are concerned, one is from Sukhapuri, one is from Tirthapuri, one is from Tad Hadgaon and last is from Ambad. He submits that considering the sale instances, the learned reference court has rightly determined the compensation at the rate of Rs.1800/- per R. As regards acquired trees are concerned, he submits that

the reference court has granted rate after considering the number of trees as was mentioned by the SLAO. Therefore, he submits that the reference court ought to have discarded the entire report. When a specific query was made about the valuation done by the reference court in respect of trees is concerned, he accepted that whatever rate granted by the reference court is not disputed. Therefore, as far as valuation done by the reference court in respect of trees is concerned, in view of the acceptance of valuation of trees by Mr. Sudhir Bhalerao done by the reference court, this Court is not required to consider the said issue and the order passed by the reference court need not be gone into that aspect.

6. As regards valuation towards land is concerned, before the reference court the claimants have relied upon five sale instances, at Exhs. 32, 33 & 41 to 43. First sale instance is in respect of land from village Sukhapuri by which 40 R. land from Gat No. 84 was sold for Rs.19,000/- on 22.9.1992. Second sale instance is in respect of land from village Kukadgaon, by which 58 R. land was sold from Gat No. 2 for Rs.50,000/- on 5.4.1997, which is after section 4 notification. Third sale instance is in respect of land from village Tirthapuri, by which 40 R. land from Gat No. 41 was sold for Rs.75,000/- on 22.6.1993. Fourth sale instance is in respect of land from village Tad Hadgaon by which 6 R. land from Gat No. 528 was sold for Rs.18,000/- on 29.5.1990. Lastly the first sale instance is in respect of land from village Ambad, by which 40 R. land from Gat No. 28/2 was sold for Rs.30,000/- on 25.9.1989.

7. After considering the above sale instances, it appears that except the sale instance in respect of land from village Kukadgaon, Exh. 33, the other sale instances are exectuted before section 4 notification. As per the sale

instance in respect of land from village Sukhapuri, Exh. 32, is concered, 40 R. land was sold for Rs.19,000/- on 22.9.1992. All the counsel have not disputed the fact that the lands from village Sukhapuri in the present matters were acquired for the above project and therefore, in my view, the sale instance from village Sukhapuri can be considered as comparable sale instance. Once the sale instance from the same village is available, the learned reference court ought to have considered the same for determination of market value of the acquired lands and determine the compensation as the sale instance of land from village Sukhapuri. It appeas that the learned reference court has granted compensation at the rate of Rs.1800/- per R. by applying certain guess work without recording any finding and the reference court has not considered the sale instance from village Sukhapuri. As per that sale instance the rate comes to Rs.2045.50 per R. Therefore, by rounding it off, this Court holds that the claimants in the above case are entitled to receive compensation at the rate of Rs.2050/- per R. for their acquired land. However, as the sale instance is of the year 1992, the claimants are entitled to 10% escalation. Therefore, I hold that the claimants are entitled to receive compensation at the rate of Rs.2250/- per R. In view of the above, FA No. 1077/2015 filed by the acquiring body needs to be dismissed and the Cross Objection No. 121/2022 filed by the claimants need to be allowed.

8. As far as FA No. 518/2008 is concerned, in that case, the learned reference court has dismissed the reference by holding that the claimants failed to lead evidence in the matter. Once this Court enhances compensation in FA No. 1077/2015, which arises out of same notification, from the same village and for the same project, considering the sale

instance Exh. 32 which is in respect of land from village Sukhapuri, I hold that in the interest of justice, to maintain the parity, the claimants in FA No. 518/2008 is also entitled to receive the compensation as granted in FA No. 1077/2015. Hence, the FA No. 518/2008 needs to be partly allowed. Hence, I pass the following order.

O R D E R

(i) FA No. 1077/2015 filed by the acquiring body is dismissed and Cross Objection No. 121/2022 filed by the claimant is partly allowed.

(ii) FA No. 518/2008 is also partly allowed.

(iii) The claimants are entitled to receive compensation at the rate of Rs.2250/- per R. for their acquired lands.

(iv) The claimants are entitled to receive all the statutory benefits including interest on enhanced amount as per the provisions of Land Acquisition Act.

(v) The claimant to pay deficit court fees, if any, on enhanced amount.

(vi) The claimants are not entitled to receive interest for delayed period, if any, i.e. from the date of award of reference court till today.

(vii) The impugned judgment and award of the reference court is modified accordingly.

(viii) Rest of the award shall remain unaltered.

(ix) Pending Civil Application, if any, stands disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

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