IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 FIRST APPEAL NO. 436 OF 2014

Ram Chandar Kote
VERSUS
The State Of Maharashtra And Others

AND
FIRST APPEAL NO. 442 OF 2014

Rukminbai Nagnath Kote (Died)
Through L.Rs. Padminbai Nagnath Kote And Ors
VERSUS
The State Of Maharashtra And Others

AND
FIRST APPEAL NO. 443 OF 2014

Bhamabai Sambha Kote And Others
VERSUS
The State Of Maharashtra And Others

AND
FIRST APPEAL NO. 441 OF 2014

Chandrakant Trambak Kote
VERSUS
The State Of Maharashtra And Others

AND
FIRST APPEAL NO. 439 OF 2014

Subhash Chandar Kote
VERSUS
The State Of Maharashtra And Others

AND
FIRST APPEAL NO. 438 OF 2014

Nagnath Chandar Kote (Died)
Through L.Rs. Padminbai Nagnath Kote And Others
VERSUS
The State Of Maharashtra And Others

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Mr. G.K. Sontakke, Advocate for Appellants-Claimants
Mr. D.R.Korde, AGP for Responden No.1-State

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 16 SEPTEMBER, 2026

PER COURT :

1. Heard the learned counsel Mr. G.K. Sontakke, for the Appellants-Claimants and the learned AGP for Respondent No.1-State. Though served, none appears for Respondent Nos.2 and 3-Acquiring Body.

2. These appeals, filed by the claimants, take exception to the common Judgment and Award dated 30.03.2010 passed by the learned Extra Joint Civil Judge, Senior Division, Latur, in Land Acquisition Reference Nos.126 of 2004, 124 of 2004, 122 of 2004, 129 of 2004, 123 of 2004 and 128 of 2004. By the impugned Judgment and Award, the learned Reference Court partly allowed the References under Section 18 of the Land Acquisition Act, 1894 (for short, "the Act") and enhanced the compensation along with the statutory benefits. However, as the compensation claimed by the claimants was not granted in its entirety, the present appeals are filed seeking further enhancement.

3. The lands belonging to the respective claimants, situated at village Dhavali, Taluka Renapur, District Latur, were acquired for the Dhavali Percolation Tank at village Dhavali. The particulars of the acquired lands are as under:

Sr. No.	LAR No.	Survey/Gat No.	Area Acquired
1.	126 of 2004	189	26 R
2.	124 of 2004	192	39 R
3.	122 of 2004	194	92 R
4.	129 of 2004	193	53 R
5.	123 of 2004	190	45 R
6.	128 of 2004	191	5 R

4. The notification under Section 4 of the Act was published on 17.02.2000. Thereafter, the Special Land Acquisition Officer (for short, "the SLOA") passed an Award under Section 11 of the Act on 30.10.2001. The SLOA determined the market value of the acquired lands at the rate of Rs.48,000/- per Hectare and Rs.53,000/- per Hectare by classifying the lands into two groups, namely, dry and irrigated lands. Being dissatisfied with the market value determined by the SLOA, the claimants accepted the compensation under protest and sought reference under Section 18 of the Act. Accordingly, the References were made to the learned Reference Court.

5. Before the learned Reference Court, the claimants relied upon the sale instances at Exhibits 22 and 23 and contended that the market value determined by the SLOA was inadequate. The learned Reference Court, after considering the evidence on record, partly allowed the References and determined the market value at the rate of Rs.1,00,000/- per Hectare by treating the acquired lands as dry lands. Being dissatisfied with the amount so determined, the claimants have preferred the present appeals seeking further enhancement.

6. Learned counsel Mr. G.K. Sontakke, for the Appellants-Claimants, submits that the claimants had relied upon the Valuer's Report at Exhibit 33, prepared by Mr. K.R. Pawar, and another Valuer's Report at Exhibit 34, prepared by Mr. Anil Phulari. He submits that the claimants had also relied upon the sale instance at Exhibit 22 dated 30.12.1996 from village Shivankhed, under which land admeasuring 1 Hectare was sold for consideration of Rs.2,75,000/-. According to him, by applying 10% escalation for three years, the rate works out to Rs.1,43,000/- per Acre. He further submits that the claimants relied upon the sale instance at Exhibit 23 dated 02.04.1997 from village Janwal, under which 42 R land was sold for consideration of Rs.1,25,000/-. By applying 10% escalation for three years, according to the learned counsel, the rate works out to Rs.1,54,714/- per Acre. It is submitted that the learned Reference Court has not properly considered the aforesaid Valuer's Reports and sale instances and has, therefore, granted inadequate compensation. He, therefore, seeks further enhancement.

7. Learned AGP Mr. D.R. Korde, appearing for Respondent No.1-State, supports the impugned Judgment and Award. He submits that the learned Reference Court has rightly determined the market value of the acquired lands. He submits that the sale instances at Exhibits 22 and 23 relate to lands situated at village Shivankhed and village Janwal respectively and that both the villages are more than 5 Kms. away from the acquired lands. He

submits that after considering the material on record, the learned Reference Court has already enhanced the compensation to Rs.1,00,000/- per Hectare and there is no basis for granting any further enhancement. He, therefore, prays for dismissal of the appeals.

8. I have heard the learned counsel for the respective parties and, with their able assistance, have gone through the record and proceedings. I have also considered the impugned Judgment and Award passed by the learned Reference Court, the Award passed by the SLOA and the material concerning the sale instances relied upon by the claimants.

9. The on record shows that the sale instances relied upon by the claimants at Exhibits 22 and 23 are from different villages. The learned Reference Court has, however, taken them into consideration and has determined the market value at Rs.1,00,000/- per Hectare by treating the acquired lands as dry lands.

10. The Award passed by the SLOA shows that, in respect of LAR Nos.126 of 2004, 122 of 2004, 123 of 2004 and 128 of 2004, the existence of a well and pipelines has been recorded in the acquired lands. In view of such material, the lands involved in First Appeal Nos.436 of 2014, 443 of 2014, 439 of 2014 and 438 of 2014 are required to be considered as semi-irrigated lands. On the other hand, in LAR Nos.124 of 2004 and 129 of 2004, corresponding to First Appeal Nos.442 of 2014 and 441 of 2014, there

is no such reference to the existence of a well or pipeline in the Award. Those lands, therefore, are to be treated as dry lands.

11. The learned Reference Court has determined the market value of the dry lands at Rs.1,00,000/- per Hectare. Having regard to the classification of the lands referred to above, the lands involved in First Appeal Nos.436 of 2014, 443 of 2014, 439 of 2014 and 438 of 2014 are required to be treated as semi-irrigated lands. By applying the ratio of 1.5 to the rate of Rs.1,00,000/- per Hectare, the market value of those lands would work out to Rs.1,50,000/- per Hectare.

12. As regards First Appeal Nos.441 of 2014 and 442 of 2014, the acquired lands are to be treated as dry lands and, therefore, the rate of Rs.1,00,000/- per Hectare determined by the learned Reference Court does not call for any further enhancement.

13. Thus, the appeals arising out of LAR Nos.126 of 2004, 122 of 2004, 123 of 2004 and 128 of 2004 deserve to be partly allowed to the aforesaid extent, whereas First Appeal Nos.441 of 2014 and 442 of 2014 deserve to be dismissed. Hence, the following order:

ORDER

(i) First Appeal Nos.441 of 2014 and 442 of 2014 are dismissed.

(ii) First Appeal Nos.436 of 2014, 443 of 2014, 439 of 2014 and 438 of 2014 are partly allowed.

(iii) The common Judgment and Award dated 30.03.2010 passed by the learned Extra Joint Civil Judge, Senior Division, Latur, is modified to the extent of Land Acquisition Reference Nos.126 of 2004, 122 of 2004, 123 of 2004 and 128 of 2004.

(iv) The market value of the acquired semi-irrigated lands involved in the aforesaid References is determined at the rate of Rs.1,50,000/- per Hectare.

(v) The Appellants-Claimants shall be entitled to all consequential statutory benefits on the enhanced compensation in accordance with the provisions of the Land Acquisition Act, 1894.

(vi) The Appellants-Claimants shall be entitled to interest under Sections 28 and 34 of the Act strictly in accordance with the Full Bench decision in ***State of Maharashtra Vs. Kailas Shiva Rangari, 2016 (3) Mh.L.J. 457***.

(vii) The Appellants-Claimants shall pay the deficit court fees.

(viii) Save and except the above modification in the quantum of compensation, the common Judgment and Award dated 30.03.2010 passed by the learned Extra Joint Civil Judge, Senior Division, Latur, in the aforesaid Land Acquisition References shall remain unaltered.

(x) Modified award be drawn accordingly.

(xi) Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane