



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 FIRST APPEAL NO. 927 OF 2006

VIJAYABAI VIKRAM HIPPARKAR
VERSUS
STATE OF MAHARASHTRA AND ORS

...
Advocate for Appellant : Mr. B.N. Patil
AGP for Respondents 1 & 2 : Mr. A.D. Wange
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : August 31, 2026

PER COURT :-

1. As the acquisition proceedings were initiated in the year 1993, heard finally with the consent of learned counsel for the respective parties.
2. By this appeal, the appellant/original claimant assails the judgment and award dated 21.4.2006 passed by the learned Civil Judge, Senior Division, Latur in LAR No. 362/1996, whereby the reference court has not granted compensation as claimed by the appellant.
3. The land of the claimant admeasuring 1 H. 26 R. from village Pakharsavangi, District Latur was acquired for the purpose of Wasangaon Tank. Notification under section 4 of the Land Acquisition Act was published on 11.3.1993. The Special Land Acquisition Officer (SLAO) has passed the award on 21.4.1995 and granted compensation at the rate of Rs.65,000/ per H. Being dissatisfied with the award of the SLAO, the claimant filed an application before the Collector for referring the matter under section 18 of the Act for proper determination of the market value of the acquired land. Before the learned reference court the claimant relied upon the sale instance dated 6.3.2002 Exh.28 and on the basis of the same, the the

learned reference court has enhanced the compensation at the rate of Rs.1,30,000/- per H. Being dissatisfied with the same, the present appeal is filed by the original claimant.

4. Mr. B.N.Patil, learned counsel for appellant submits that the SLAO awarded meager compensation and therefore, claimant preferred LAR No. 362/1996. The claimant relied upon sale instances at Exh. 27, 28 and 33. He submits that the learned reference court has erred in determining the market value of the acquired land solely relying on the sale instance at Exh. 28. The learned reference court has failed to assign cogent and satisfactory reason for discarding the other sale instances. He therefore prays to allow the appeal.

5. Per contra, the learned AGP Mr. Wange supports the impugned judgment and award and submits that the learned reference court has rightly relied upon sale instance, Exh. 28 and correctly determined the market value of the acquired land. He therefore prays to dismiss the appeal.

6. Heard the learned counsel for the respective parties and with their assistance I have gone through the record and proceedings and impugned judgment and award. From perusal of the same, it appears that notification under section 4 was published on 11.3.1993 and SLAO has declared the award on 21.4.1995. The claimants relied upon the sale instance dated 26.9.1991, Exh. 28 by which 1 Acre 1 Gunta land was sold at the rate of Rs.87,000/- However, the reference court has determined the rate of acquired land as per sale instance, Exh. 28, which in my opinion is not proper. The reference court discarded the sale instances relied upon by the claimant without giving any reasons. One sale instance which was prior to section 4 notification was available and the land involved in the said sale

instance was at the distance of one and half k.m. from the acquired land. On perusal of the record, it is seen that plots were led adjacent to the acquired land and the said sale instance is in respect of plot, and adjacent to the acquired land involved in the present matter and therefore, the same can be considered as more advantageous to the claimant. As the said sale instance is in respect of plot, certain deductions needs to be applied and therefore, this court holds that 10% deductions would be proper to determine the market value of the acquired land. Therefore, after applying 10% deductions from the sale deed the rate comes to around Rs. 1,95,000/- per H. and therefore, by rounding it off, I hold that the claimant is entitled to receive compensation at the rate of Rs.2,00,000/- per H. It was brought to my notice that possession was taken over prior to section 4 notification long back and therefore, claimant is entitled to receive rental compensation as per the policy of the State. In view of the above, I pass the following order :-

O R D E R

- (i) The appeal is partly allowed.
- (ii) The claimant is entitled to receive compensation at the rate of Rs.2,00,000/- per H. for acquired land.
- (iii) The claimant is entitled to receive interest and other statutory benefits in view of the law laid down by the Full Bench of this Court in the case of **State of Maharashtra Vs. Kailash Shiva Rangari, 2016 (3) Mh.L.J. 457.**
- (iv) The claimant is at liberty to file application before the Collector, Latur for rental compensation. If such an application is filed, the Collector, Latur to decide the same within a period of eight weeks from the date of

appearance by giving opportunity of hearing to acquiring body or other concerned and to pass the order in view of the policy of the Government and pay compensation, if the claimant is eligible for the same.

(v) Pending civil application, if any, stands disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/