IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 X-OBJECTION NO. 66 OF 2026
IN FA/1862/2011

GANPATI VITHAL JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANR.
...
WITH
CIVIL APPLICATION NO. 8698 OF 2009
IN FA/1875/2011

THE STATE OF MAHARASHTRA
VERSUS
DIGAMBER MAROTI KENDRE
...
WITH
CIVIL APPLICATION NO. 8690 OF 2009
IN FA/1865/2011

THE STATE OF MAHARASHTRA
VERSUS
KIRAN GOVIND PAWAR AND ANR
...
WITH
CIVIL APPLICATION NO. 8688 OF 2009
IN FA/1866/2011

THE STATE OF MAHARASHTRA
VERSUS
DIGAMBAR VITHAL WADJE
...
WITH
CIVIL APPLICATION NO. 8694 OF 2009
IN FA/1863/2011

THE STATE OF MAHARASHTRA
VERSUS
SANGRAM DIGAMBAR JADHAV
...

WITH
FIRST APPEAL NO. 1863 OF 2011

THE STATE OF MAHARASHTRA
VERSUS
SANGRAM DIGAMBAR JADHAV
…

WITH
FIRST APPEAL NO. 1864 OF 2011

THE STATE OF MAHARASHTRA
VERSUS
UTTAM GOVINDRAO MORE
…
WITH
X-OBJECTION NO. 287 OF 2026
IN FA/1867/2011

NAGORAO MAROTI PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANR
…
WITH
FIRST APPEAL NO. 1867 OF 2011

THE STATE OF MAHARASHTRA
VERSUS
NAGORAO MAROTI PAWAR
…
WITH
FIRST APPEAL NO. 1875 OF 2011

THE STATE OF MAHARASHTRA
VERSUS
DIGAMBER MAROTI KENDRE
…
WITH
X-OBJECTION NO. 285 OF 2026
IN FA/1863/2011

SANGRAM DIGAMBAR JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANR
…
WITH
FIRST APPEAL NO. 1866 OF 2011

THE STATE OF MAHARASHTRA
VERSUS
DIGAMBAR VITHAL WADJE
…
WITH
X-OBJECTION NO. 284 OF 2026
IN FA/1865/2011

KIRAN GOVIND PAWAR MINOR U/G MOTHER SUNITA GOVIND PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANR
…
WITH
X-OBJECTION NO. 283 OF 2026
IN FA/1875/2011

DIGAMBER MAROTI KENDRE
VERSUS
THE STATE OF MAHARASHTRA AND ANR
…
WITH
CIVIL APPLICATION NO. 8696 OF 2009
IN FA/1862/2011

THE STATE OF MAHARASHTRA AND ORS
VERSUS
GANPATI VITHAL JADHAV AND ANR
…
WITH
FIRST APPEAL NO. 1862 OF 2011

THE STATE OF MAHARASHTRA AND ORS
VERSUS
GANPATI VITHAL JADHAV AND ANR
…
WITH
FIRST APPEAL NO. 1865 OF 2011

THE STATE OF MAHARASHTRA
VERSUS
KIRAN GOVIND PAWAR AND ANR
…

AND
902 X-OBJECTION NO. 286 OF 2026
IN FA/1861/2011

GOVIND PANDHARI KENDRE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR
...
WITH
FIRST APPEAL NO. 1861 OF 2011

THE STATE OF MAHARASHTRA
VERSUS
GOVIND PANDHARI KENDRE
...
WITH
CIVIL APPLICATION NO. 8684 OF 2009
IN FA/1861/2011

THE STATE OF MAHARASHTRA
VERSUS
GOVIND PANDHARI KENDRE
...

Mr. Ashwin Sakolkar h/f. Mr. Vijay G. Sakolkar, Advocate for the Claimants in all the matters.
Mr. S. S. Dande, AGP for State in all the matters.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 19th AUGUST, 2026

P.C.:-

1. Since the acquisition proceedings pertain to the year 2004, the appeals are heard finally with the consent of the learned Advocates for the respective parties.

2. By the present appeals, the Appellants/State are challenging the judgment and award dated 22.02.2008 passed by the learned Civil

Judge Senior Division, Ahmedpur Camp at Udgir, District Latur in LAR Nos.422/2007, 429/2007, 424/2007, 425/2007, 423/2007, 426/2007, 427/2007 and 428/2007, whereby the learned Reference Court enhanced the compensation. The Claimants filed cross objections seeking further compensation for their acquired land.

3. Brief facts of the present cases are as under:-

(i) The land of the Claimants was acquired for construction of Malhipparga Percolation Tank No.9 at village Malhipparga, Taluka Jalkot, District Latur.

(ii) The possession of the acquired land was taken on 15.06.2002 and thereafter, the Notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") was published on 15.07.2004.

(iii) The Land Acquisition Officer (for short, "LAO") passed the award on 20.02.2007. The LAO granted compensation at the rate of Rs.889/- per R for Group-I land and Rs.978/- per R for Group-II land.

(iv) The learned Reference Court enhanced the compensation to Rs.3,100/- per R for dry land and Rs.4,650/- per R for seasonally irrigated land. Before the learned Reference Court, the Claimants relied upon the sale instances at Exhibits-21, 22 and 23 and led evidence through CW-1, the deposition of the Claimant,

Digamber Maroti Kendre, below Exhibit-24; CW-2, the deposition of the Vendor, Raghunath Rasoji Kendre, below Exhibit-25; CW-3, the deposition of the Vendor, Babu Digambar Kendre, below Exhibit-26; and CW-4, the deposition of the Seller, Shankar Dhondiba Tidake, below Exhibit-27. The Claimants also relied upon the award passed by the LAO, the E-statement and the 7/12 extracts and claimed enhanced compensation. After considering the sale instances, the learned Reference Court granted compensation at the rate of Rs.3,100/- per R for jirayat land and Rs.4,650/- per R for seasonally irrigated land. Therefore, being aggrieved by the same, the present appeals have been filed.

4. Mr. S. S. Dande, learned AGP for the State, submits that the learned Reference Court granted the compensation without considering the sale instances from the same village. The learned Reference Court has not considered that the LAO has granted the compensation after considering the sale instances from the same village, as well as the nature, proximity, location, quality, classification and potential of the land which was acquired. He submits that the learned Reference Court has not taken into consideration that the compensation which was awarded was exorbitant and that the LAO has rightly determined the compensation.

5. Per contra, Mr. Ashwin Sakolkar h/f. Mr. Vijay G. Sakolkar, learned Advocate for the Claimants in all the matters, submits that the learned Reference Court has granted very meagre and inadequate compensation. Therefore, they have filed cross-objections.

6. He further relied upon the order dated 10.04.2026 passed by this Court in First Appeal No.378 of 2012, whereby the land from the same village was acquired for Percolation Tank Nos.2 and 8, wherein this Court has considered the sale instance below Exhibit-13 and, on the basis of that, the compensation was awarded. Therefore, he submits that, on the ground of parity, as the land is from the same village, though from different notifications, this Court has already awarded the compensation. Therefore, once this Court has already determined the compensation for the land from the same village, though under a different notification, the Claimants are entitled to receive the rate as granted by this Court in the First Appeal.

7. He further submits that the compensation awarded by the learned Reference Court is within four times the compensation awarded by the LAO and therefore, appeals filed by the State deserve to be dismissed as per the Government Resolution No.Sankirna-2014/Prak.Kra.4/Bham-1/A-4 dated 03.11.2016. Hence, he prays to allow the cross objections filed by the Claimants and dismiss the appeals filed by the State.

8. Having heard learned Advocates for the respective parties and with their assistance, I have gone through the copy of the record and proceedings. Before proceeding to decide the present appeals, it needs to be considered whether the order passed by this Court in First Appeal No.378 of 2012 can be considered for granting parity in favour of the Claimants. After going through the order passed by this Court, in fact, it can be gathered that, in those appeals, the Notifications were issued on 03.02.2005 and 10.03.2005 for the same village for Percolation Tank No.8 and Percolation Tank No.2. Here, in the present case, the Notification was issued on 15.07.2004 and, therefore, there are different Notifications. As regards the awards are concerned, separate awards were passed. Even the sale instance dated 29.11.1999 at Exhibit-13 upon which this Court has relied in First Appeal No.378 of 2012 is prior to Section 4 Notification which was issued in those matters.

9. More particularly, the learned AGP has pointed out that the said sale instance at Exhibit-13 is for a small piece of land. He further submits that there were many percolation tanks constructed in the same village, whereby the residents of the village were aware of the possible of acquisition of their lands, therefore, they executed sale deeds at exorbitant rates to receive higher rate of compensation.

10. The record of First Appeal No.378 of 2012 was called for

kind perusal of this Court. The sale instance at Exhibit-13 therein reveals that the dry land admeasuring 9 R was sold for Rs.64,000/- (Rs.7,111/- per R) on 29.11.1999. The land in the said sale instance pertains to very small piece of land. As numerous percolation tanks were being constructed in the village, the residents were well aware of possibility of acquisition of their lands. Thus, possibility cannot be ruled out that the sale deeds could have been executed at higher rates with a view to get higher compensation for the acquired lands. In addition to this, the notification and the awards in the present matter as well as the acquisition proceeding in First Appeal No.378 of 2012 are different. In view of aforesaid discussion, I am not inclined to treat sale instance at Exhibit-13 in First Appeal No.378 of 2012 comparable with the present matter. Therefore, the present Claimants are not entitled to receive compensation at the rate mentioned in sale instance at Exhibit-13.

11. As, in the present case, the Claimants relied upon three sale instances at Exhibits-21, 22 and 23. Though, the learned Advocate for the Claimants tried to impress this Court by pressing upon Exhibits-21 and 23 by contending that the same are from adjacent village, I am not inclined to treat the same as comparable with the acquired land on the ground that sale instance from the same village at Exhibit-22 is available on record. It is not in dispute that this Court has granted

enhancement in First Appeal No.378 of 2012 by relying upon sale instance at Exhibit-13, but the said sale instance was not produced on record before the learned Reference Court in the present matter, on this ground also, the said sale instance cannot be relied upon in subsequent stage.

12. As regards Exhibit-22 is concerned, the said sale deed is dated 29.01.2002 whereby 15.5 R was sold for Rs.30,000/-, which comes to Rs.1,935/- per R. The said sale instance was rightly treated as comparable sale instance for determining market value of the acquired land.

13. Considering the above, I find that the learned Reference Court, after considering the sale instance below Exhibit-22, has already determined the compensation and, therefore, there is no scope for granting further enhancement except to the extent of applying 10% escalation for two years. Therefore, I am inclined to partly allow the cross objections.

14. Furthermore, as regards the enhancement granted by the learned Reference Court being within four times the compensation granted by the LAO, the appeals filed by the State deserved to be dismissed as per the Government Resolution No.Sankirna-2014 /Prak.Kra.4/Bham-1/A-4 dated 03.11.2016. Hence, I proceed to pass the following order:-

ORDER

(i) The first appeals filed by the State are dismissed. No order as to costs.

(ii) The cross-objections filed by the Claimants are partly allowed.

(iii) The Claimants are entitled to receive enhanced compensation of Rs.2340/- per R and to that extent, impugned awards stand modified.

(iv) The Claimants are entitled to all the statutory benefits in accordance with Land Acquisition Act, 1894.

(v) The Claimants are entitled to interest under Sections 28 and 34 of the Act from the date of award as per Full Bench judgment of this Court in ***State of Maharashtra Vs. Kailash Shiva Rangari***, reported in ***2016(3) Mh.L.J. 457***.

(vi) Rest of the impugned awards stand confirmed.

(vii) Modified awards be drawn accordingly.

(viii) Deficit Court fees be paid.

(ix) Pending Civil Applications, if any, are also disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

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