IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 FIRST APPEAL NO. 1741 OF 2007

Govind Ramchandra Patil
VERSUS
The State Of Maharashtra And Another

AND
FIRST APPEAL NO. 1676 OF 2007

Subhash Ramchandra Patil
VERSUS
The State Of Maharashtra And Another

AND
FIRST APPEAL NO. 1675 OF 2007

Ramchandra Bapurao Patil (Died)
Through L.Rs. Govind Ramchandra Patil And Ors
VERSUS
The State Of Maharashtra And Another

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Mr. Parag V. Barde, Advocate for the Appellants in all FAs
Mr. S.S. Dande, AGP for Respondent No.1- State

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 21 AUGUST, 2026

PER COURT :

1. Heard the learned counsel for the respective parties.

2. By these Appeals, the appellants-original claimants take exception to the common Judgment and Award dated 22.08.2007 passed by the learned Joint Civil Judge, Senior Division, Omerga in Land Acquisition Reference Nos.112 of 2004, 123 of 2004 and 124 of 2004, whereby the learned

Reference Court enhanced the market value of the acquired lands to Rs.20,000/- per Hectare. The claimants seek further enhancement in compensation.

3. The lands belonging to the respective claimants, situated at village Koregaon, Taluka Omerga, District Osmanabad, were acquired for the Minor Irrigation Tank, Koregaon. The particulars of the acquired lands are as under:

Sr.No.	LAR No.	Gat/Survery No.	Area Acquired
1	122 of 2004	48/1	1 H 31 R
2	123 of 2004	13/2	3 H 16 R out of 22R
3	124 of 2004	46/2	2 H 47 R

4. The notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") was published on 29.06.1988. The Special Land Acquisition Officer thereafter passed an award under Section 11 of the Act on 07.03.1992 and determined the market value of the acquired lands at different rates depending upon their classification. The claimants, being dissatisfied with the compensation so determined, accepted the same under protest and sought references under Section 18 of the Act.

5. Before the Reference Court, the claimants relied upon certain sale instances to contend that the market value of the acquired lands was much higher than that determined by the Special Land Acquisition Officer. The Reference Court, however, did not accept the said sale instances in their

entirety and ultimately enhanced the compensation to Rs.20,000/- per Hectare for the acquired dry lands.

6. Learned counsel Mr. P.V. Barde. for the appellants submits that the sale instances relied upon by the claimants were also considered by the Special Land Acquisition Officer while determining the compensation. The Reference Court, however, discarded the said sale instances mainly on the ground that the lands covered by those sale instances were situated near Omerga town and were at a distance from the acquired lands. He submits that such distinction was not justified, particularly when the lands were situated in the same vicinity and the sale instances were otherwise comparable.

7. Learned counsel further submits that in Land Acquisition Reference No.121 of 2004, concerning acquisition of lands from the same village, under the same notification and for the same Koregaon Minor Irrigation Project, the Reference Court had relied upon the very same sale instances and had determined the compensation at Rs.40,000/- per Acre for irrigated land. According to him, when the lands involved in the present appeals are also from the same village, acquired under the same notification and for the same project, there is no justification for adopting a substantially different valuation. He, therefore, submits that the appellants are entitled to appropriate enhancement in the compensation.

8. Learned AGP for the respondent-State supports the impugned Judgment and Award. He submits that the Reference Court, while considering the evidence in the present References, has given cogent reasons for not relying upon the sale instances relied upon by the claimants. According to him, the sale instances pertained to lands situated near Omerga town and could not automatically be applied to the acquired lands situated at village Koregaon. He further submits that the Judgment and Award in LAR No.121 of 2004 cannot be treated as a binding precedent and, therefore, the claimants ar not entitled for further enhancement merely on the basis of the rate granted in another Reference.

9. I have considered the submissions advanced by the learned counsel for the respective parties and, with their able assistance, have gone through the Record and Proceedings and the impugned Judgment and Award.

10. It is not in dispute that the lands involved in the present Appeals are situated in village Koregaon and were acquired under the same notification dated 29.06.1988 for the same Minor Irrigation Tank, Koregaon. It is also not in dispute that in LAR No.121 of 2004, arising out of the same acquisition, the Reference Court considered the sale instances relied upon by the claimants and granted compensation at the rate of Rs.40,000/- per Acre for irrigated land.

11. The order passed in another Land Acquisition Reference may not, by

itself, constitute a binding precedent. However, where the acquisition is under the same notification, the lands are situated in the same village and the purpose of acquisition is also the same, the valuation adopted in a connected Reference is certainly a relevant circumstance for determining the market value, particularly when there is no material brought on record to demonstrate any substantial distinguishing feature affecting the value of the lands.

12. In the present case, the Reference Court has discarded the sale instances principally on the ground of their distance from the acquired lands. However, the very same sale instances were considered in the connected Reference arising from the same acquisition and relating to lands situated in the same village. The distinction sought to be drawn on the basis of distance from Omerga town, in the facts of the present case, does not appear sufficient to justify a completely different approach in respect of lands acquired under the same notification for the same project.

13. At the same time, the lands involved in the present Appeals are not all of the same classification. The lands covered by LAR Nos.122 and 123 of 2004 are dry lands, whereas the land covered by LAR No.124 of 2004 is semi-irrigated. Therefore, the rate granted for irrigated land in LAR No.121 of 2004 cannot mechanically be applied to all the lands involved in the present Appeals. The nature and classification of the respective lands have also to be kept in view.

14. Having regard to the nature of the acquisition, the material on record, the valuation adopted in the connected Reference and the classification of the lands, I am of the view that the compensation awarded by the Reference Court requires modification to the extent indicated below. The claimants in LAR Nos.122 and 123 of 2004 would be entitled to compensation at the rate of Rs.20,000/- per Acre for their acquired dry lands, whereas the claimant in LAR No.124 of 2004 would be entitled to compensation at the rate of Rs.30,000/- per Acre for the acquired semi-irrigated land.

15. In view of the above discussion, the Appeals deserve to be partly allowed. Hence, the following order:

ORDER

(i) The First Appeals are partly allowed.

(ii) The common Judgment and Award dated 22.08.2007 passed by the learned Joint Civil Judge, Senior Division, Omerga in Land Acquisition Reference Nos.122 of 2004, 123 of 2004 and 124 of 2004 is modified to the following extent:

(a) The claimants in LAR No.122 of 2004 (FA/1741/2007) and LAR No.123 of 2004 (FA/1676/2007) shall be entitled to compensation for their acquired dry lands at the rate of Rs.20,000/- per Acre.

(b) The claimant in LAR No.124 of 2004 (FA/675/2007) shall be entitled to compensation for the acquired semi-irrigated land at the rate of Rs.30,000/- per Acre.

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

(iv) The claimants shall be entitled to interest under Section 34 of the Act strictly in accordance with the law laid down by the Full Bench of this Court in ***State of Maharashtra Vs. Kailas Shiva Rangari, 2016 (3) Mh.L.J. 457***.

(v) The claimants shall pay the deficit court fees, if any.

(vi) Save and except the modification in the quantum of compensation as aforesaid, the common Judgment and Award dated 22.08.2007 shall remain unaltered.

(vii) The modified award be drawn accordingly.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane