



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

904 FIRST APPEAL NO. 4495 OF 2017

Raghunath Waman Nikam

VERSUS

The State Of Maharashtra And Another

AND

FIRST APPEAL NO. 3367 OF 2017

Dnyaneshwar Baliram Chavan And Another

VERSUS

The State Of Maharashtra And Another

.....

Ms. C.S. Deshmukh, Advocate for Appellants

Mr. A.D. Wange, AGP for Respondent No.1

Mr. P.D. Suryawanshi, Advocate for Respondent No.2

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 06 OCTOBER, 2026

PER COURT :

1. Heard the learned counsel for the respective parties.
2. These appeals, filed by the claimants, take exception to the common Judgment and Award dated 05.04.2012 passed by the learned Civil Judge, Senior Division, Beed, in Land Acquisition Reference Nos.627 of 2010 and 629 of 2010. By the impugned Judgment and Award, the learned Reference Court partly allowed the references under Section 18 of the Land Acquisition Act, 1894 and enhanced the compensation along with statutory benefits.

3. The lands belonging to the respective claimants, situated at Village Ranmala, Taluka Georai, District Beed, were acquired for construction of Percolation Tank No.2, Ranmala. The particulars of the acquired lands are as under:

Sr. No.	First Appeal No.	LAR No.	Survey/Gat No.	Area Acquired
1.	4495 of 2017	627 of 2010	148	1 H 48 R
2.	3367 of 2017	629 of 2010	148 150	1 H 27 R 25 R

4. The notification under Section 4 of the Land Acquisition Act, 1894 (for short, “the Act”), was published on 09.03.2006 and possession of the acquired lands was taken on 09.04.2006 by invoking the urgency clause. The Special Land Acquisition Officer (SLAO) passed the Award under Section 11 of the Act on 31.03.2009 and determined the market value of the acquired lands at the rate of Rs.690/- per R. The claimants, being dissatisfied with the market value so determined, accepted the compensation under protest and sought references under Section 18 of the Act. The references were accordingly made to the learned Reference Court.

5. Before the learned Reference Court, the claimants relied upon three sale instances from the adjacent villages, at Exhibits 13, 14 and 15. The learned Reference Court treated the said sale instances as comparable sale instances and, after applying 30% deduction and considering the relevant factors, determined the market value of the acquired dry land at the rate of

Rs.2,000/- per R, along with the statutory benefits. Aggrieved by the same, the claimants have preferred the present appeals.

6. Learned counsel for the claimants submits that the acquired lands are irrigated lands, as there was a well and the claimants were fetching water therefrom for cultivation. It is submitted that, despite recording a finding that the acquired lands were seasonally irrigated, the learned Reference Court determined the market value by treating the lands as dry lands. Learned counsel further submits that, as there was no sale instance available from the acquired village, the sale instances from the adjacent villages were relied upon. It is submitted that the deduction of 30% applied by the learned Reference Court is on the higher side. Learned counsel also submits that the sale instances relied upon by the claimants were prior to the Section 4 notification and, therefore, appropriate escalation ought to have been granted. On these grounds, learned counsel seeks further enhancement in the market value.

7. Per contra, learned counsel for the acquiring body submits that the learned Reference Court has properly appreciated the evidence on record and has correctly determined the market value. Learned counsel submits that, though a well was in existence in the acquired land, the crop pattern showed that the claimants were cultivating only Kharip crops. It is, therefore, submitted that the learned Reference Court rightly treated the acquired lands as seasonally irrigated and appropriately granted escalation.

According to the learned counsel, the market value determined at Rs.2,000/- per R is just, proper and reasonable and no further enhancement is warranted.

8. I have heard 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 passed by the learned Reference Court.

9. Before the learned Reference Court, the claimants relied upon the sale instances at Exhibits 13, 14 and 15, dated 17.08.2005, 29.12.2005 and 13.04.2005, respectively. The learned Reference Court treated the said sale instances as comparable instances and, after applying 30% deduction, determined the market value of the acquired dry land at Rs.2,000/- per R. The learned Reference Court also took into consideration the fact that the sale instances were prior to the date of the Section 4 notification and granted escalation. Having regard to the finding recorded by the learned Reference Court that a well existed in the acquired lands and the crop pattern disclosed cultivation of Kharip crops, the acquired lands can appropriately be treated as seasonally irrigated lands. Consequently, applying a factor of 1.5 to the rate of Rs.2,000/- per R, the market value of the seasonally irrigated land works out to Rs.3,000/- per R.

10. The contention of the claimants that the lands should be treated as fully irrigated lands cannot be accepted in view of the crop pattern

appearing from the evidence on record. The material considered by the learned Reference Court supports the conclusion that the lands were seasonally irrigated. The claimants have, therefore, made out a case for modification of the market value to the extent indicated above.

11. In view of the above, 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 05.04.2012 passed by the learned Civil Judge, Senior Division, Beed, in Land Acquisition Reference Nos.627 of 2010 and 629 of 2010 is modified to the extent indicated hereinbelow.
- (iii) The claimants shall be entitled to the market value of the acquired seasonally irrigated lands at the rate of Rs.3,000/- per R.
- (iv) The claimants shall be entitled to the consequential statutory benefits on the enhanced compensation in accordance with law.
- (v) The claimants shall be entitled to interest under Section 34 of the Act, strictly in accordance with the Full Bench decision of this Court in ***State of Maharashtra Vs. Kailas Shiva Rangari, 2016 (3) Mh.L.J. 457.***

(vi) The claimants shall not be entitled to statutory benefits and interest for the period of delay, in accordance with law.

(vii) The claimants shall pay court fees on the enhanced compensation, as per rules.

(viii) Save and except the modification made hereinabove, the rest of the Judgment and Award passed by the learned Reference Court remains unaltered.

(ix) Modified award be drawn accordingly.

(x) The claimants are at liberty to file an appropriate application for rental compensation, if any, before the Collector, Beed. If such application is filed, the Collector, Beed, shall consider and decide the same in accordance with the prevailing Government Policy, within a period of twelve weeks from the date of receipt of such application.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE