IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 FIRST APPEAL NO. 4618 OF 2017

Keru Gopala Wavale (Deceased)
Through L.Rs.Gopala Keru Wavale
VERSUS
State Of Maharashtra Through S.L.A.O. No.3 Ahmednagar And Another

AND
X-OBJECTION (STAMP) NO. 33669 OF 2018 IN FA/4618/2017

The Ex. Engineer, Urdhva Pravara Project Dam Division, Ghulewadi Ahmadnagar
VERSUS
Keru Gopala Wavale (Deceased)
Through L.Rs.Gopala Keru Wavale And Another

AND
47 FIRST APPEAL NO. 4151 OF 2017

Rambhau Kashinath Arote (Dead) Through L.Rs. Vijay And Others
VERSUS
State Of Maharashtra Thr S.L.A.O. No.3 Ahmednagar And Another

AND
X-OBJECTION NO. 76 OF 2025 IN FA/4151/2017

The Ex. Engineer, Urdhva Pravara Project Dam Division,
Ghulewadi Ahmadnagar
VERSUS
Rambhau Kashinath Arote (Dead) Through L.Rs. Vijay And Others
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48 FIRST APPEAL NO. 4155 OF 2017

Keru Gopala Wavale (Dead) L.Rs. Gopala Keru Wavale And Another
VERSUS
State Of Maharashtra Through S.L.AO. No.3 Ahmednagar And Another

AND
X-OBJECTION NO. 74 OF 2025 IN FA/4155/2017

The Ex. Engineer, Urdhva Pravara Project Dam Division,
Ghulewadi Ahmadnagar
VERSUS
Keru Gopala Wavale (Dead) L.Rs. Gopala Keru Wavale And Another

AND
FIRST APPEAL NO. 4158 OF 2017

Bhau Govinda Wavale
VERSUS
State Of Maharashtra Through S.L.A.O. No.3 Ahmednagar And Another

AND
X-OBJECTION NO. 75 OF 2025 IN FA/4158/2017

The Ex. Engineer, Urdhva Pravara Project Dam Division, Ghulewadi Ahmadnagar
VERSUS
Bhau Govinda Wavale And Another

AND
FIRST APPEAL NO. 4159 OF 2017

Bharat Karbhari Wavale
VERSUS
State Of Maharashtra Through S.L.A.O. No.3 Ahmednagar And Another

AND
X-OBJECTION (STAMP) NO. 33604 OF 2018 IN FA/4159/2017

The Ex. Engineer, Urdhva Pravara Project Dam Division, Ghulewadi Ahmadnagar
VERSUS
Bharat Karbhari Wavale And Another

AND

FIRST APPEAL NO. 4241 OF 2017

Manohar Sukhadev Chaskar
VERSUS
State Of Maharashtra Through S.L.A.O. No.3 Ahmednagar And Another

AND
CIVIL APPLICATION NO. 9953 OF 2026 IN FA/4241/2017

Manohar Sukhadev Chaskar.
VERSUS
State Of Maharashtra Through S.L.A.O. No.3 Ahmednagar And Another

AND
X-OBJECTION NO. 289 OF 2026 IN FA/4241/2017

The Ex. Engineer, Urdhva Pravara Project Dam Division, Ghulewadi Ahmadnagar
VERSUS
Manohar Sukhadev Chaskar And Another

AND
FIRST APPEAL NO. 4239 OF 2017

Laxman Baburao Chaskar And Another
VERSUS
State Of Maharashtra Through S.L.A.O. No.3 Ahmednagar And Another

AND
X-OBJECTION (STAMP) NO. 33552 OF 2018 IN FA/4239/2017

The Ex. Engineer, Urdhva Pravara Project Dam Division,
Ghulewadi Ahmadnagar
VERSUS
Laxman Baburao Chaskar And Others

AND

FIRST APPEAL NO. 4150 OF 2017

Namdev Gangaram Wavale
VERSUS
State Of Maharashtra Through S.L.A.O. No.3 Ahmednagar And Another

AND
X-OBJECTION NO. 78 OF 2025 IN FA/4150/2017

The Ex. Engineer,
Urdhva Pravara Project Dam Division, Ghulewadi Ahmadnagar
VERSUS
Namdev Gangaram Wavale And Another

AND
FIRST APPEAL NO. 4152 OF 2017

Dada Bhau Arote (Died) Through L.Rs. Ramhari And Others
VERSUS
State Of Maharashtra Through S.L.A.O. No.3 Ahmednagar And Another

AND
X-OBJECTION NO. 73 OF 2025 IN FA/4152/2017

The Ex. Engineer, Urdhva Pravara Project Dam Division,
Ghulewadi Ahmadnagar
VERSUS
Dada Bhau Arote (Died) Through L.Rs. Ramhari And Others

AND
FIRST APPEAL NO. 4153 OF 2017

Shantabai Laxman Arote And Another
VERSUS
State Of Maharashtra Through S.L.A.O. No.3 Ahmednagar And Another

AND
X-OBJECTION (STAMP) NO. 33548 OF 2018 IN FA/4153/2017

The Ex. Engineer, Urdhva Pravara Project Dam Division,
Ghulewadi Ahmadnagar
VERSUS
Shantabai Laxman Arote And Others

AND
FIRST APPEAL NO. 4160 OF 2017

Punjiram Bhimaji Phargade And Another
VERSUS
State Of Maharashtra Through S.L.A.O. No.3 Ahmednagar And Another

AND
X-OBJECTION (STAMP) NO. 33570 OF 2018 IN FA/4160/2017

The Ex. Engineer, Urdhva Pravara Project Dam Division,
Ghulewadi Ahmadnagar
VERSUS
Punjiram Bhimaji Phargade And Others

AND
FIRST APPEAL NO. 4523 OF 2017

Tukaram Abaji Bangal Through L.Rs. Bhimraj And Another
VERSUS
State Of Maharashtra Through S.L.A.O. No.3 Ahmednagar And Another

AND
X-OBJECTION (STAMP) NO. 33567 OF 2018 IN FA/4523/2017

The Ex. Engineer, Urdhva Pravara Project Dam Division,
Ghulewadi Ahmadnagar
VERSUS
Tukaram Abaji Bangal Through L.Rs. Bhimraj And Others

AND
FIRST APPEAL NO. 4627 OF 2017

Keru Bapu Hase (deceased) Through L.Rs. Dattatraya And Others
VERSUS
State Of Maharashtra Through S.L.A.O. No.3 Ahmednagar And And Others

AND
X-OBJECTION (STAMP) NO. 33580 OF 2018 IN FA/4627/2017

The Ex. Engineer, Urdhva Pravara Project Dam Division,
Ghulewadi, Ahmadnagar
VERSUS
Keru Bapu Hase (deceased) Through L.Rs.Dattatraya And Others

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Mr. Vinod Y. Bhide, Advocate for Claimants in all FAs & X-Objs.
Mr. Sudhir G. Bhalerao, Advocate for Acquiring Body in all X-Objs and FAs
Mr. S.N. Morampalle, Mr. A.M. Phule, Mr. D.R. Korde, Mr. A.D. Wange, Mr. B.A. Shinde, Mr. G.O. Wattamwar and Mr. S.S. Dande, AGPs for Respondent-State in respective matters

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 24 SEPTEMBER, 2026

PER COURT :

1. Heard the learned counsel for the respective parties.

2. These First Appeals and Cross Objections arise out of the Judgments and Awards passed by the learned Joint Civil Judge, Senior Division, Sangamner, in Land Acquisition Reference Nos.92/2011, 129/2011, 136/2011, 66/2011, 90/2011, 131/2011, 65/2011, 135/2011, 132/2011, 137/2011, 133/2011, 134/2011 and 138/2011. Since all these matters arise out of the same acquisition proceedings and involve a common issue relating to determination of the market value, they are heard together and are being disposed of by this common order. The First Appeals are filed by the original

claimants seeking further enhancement of compensation, whereas the Cross Objections are preferred by the Acquiring Body, principally in relation to the interest component.

3. The lands belonging to the respective claimants, situated at villages Mehenduri and Bahirwadi, Taluka Akole, District Ahmednagar, were acquired for the Urdhva Pravara Project Left Canal, Nilwade 2 and Urdhva Pravara Project Right Canal. The relevant particulars are as under:

Sr. No.	First Appeal No.	LAR No.	Village	Gat No.	Area Acquired
1	4241 of 2017	92/2011	Bahirwadi	24/2	60 R
2	4618 of 2017	129/2011	Mehenduri	85/3; 85/4; 86/1-2/1; 89/3; 88/1	5 R; 48 R; 13 R; 12 R; 2 H 58 R
3	4151 of 2017	136/2011	Mehenduri	41/3	18 R
4	4155 of 2017	66/2011	Bahirwadi	24/4	36 R
5	4158 of 2017	90/2011	Bahirwadi	25/6	53 R
6	4159 of 2017	131/2011	Mehenduri	85/2	61 R; 1 0 R (PK)
7	4239 of 2017	65/2011	Bahirwadi	23/22; 24/1	45 R; 18 R
8	4150 of 2011	135/2011	Mehenduri	40/1-3B	69 R
9	4152 of 2011	132/2011	Mehenduri	43/1-2A	35 R
10	4153 of 2011	137/2011	Mehenduri	40/1	10 R
11	4153 of 2011	133/2011	Mehenduri	87/1B	1 H 3 R
12	4523 of 2011	134/2011	Mehenduri	42/1-2A/1	20 R
13	4627 of 2011	138/2011	Mehenduri	84/3A	70 R

4. In L.A.R. Nos.129/2011, 136/2011, 131/2011, 135/2011, 132/2011, 137/2011, 133/2011, 134/2011 and 138/2011, the notification under Section 4 of the Land Acquisition Act, 1894 (for short, “the Act”) was published on 18.02.1998. The Special Land Acquisition Officer (for short,

"the SLAO") passed the Award under Section 11 of the Act on 20.02.2001 and determined compensation ranging from Rs.1,400/- to Rs.1,870/- per R for different classes of the acquired bagayat lands.

In L.A.R. Nos.92/2011, 66/2011, 90/2011 and 65/2011, the notification under Section 4 of the Act was published on 29.11.2000. The SLAO passed the Award under Section 11 of the Act on 28.05.2002 and determined compensation ranging from Rs.1,974/- to Rs.2,095/- per R for the respective classes of the acquired lands.

The claimants, being dissatisfied with the market value determined by the SLAO, accepted the compensation under protest and sought references under Section 18 of the Act for determination of the proper market value. Accordingly, the references came to be made to the learned Reference Court.

5. Upon appreciation of the oral and documentary evidence adduced by the parties, the learned Reference Court, vide Judgments and Awards dated 19.12.2016, enhanced the market value in L.A.R. Nos.129/2011, 136/2011, 131/2011, 135/2011, 132/2011, 137/2011, 133/2011, 134/2011 and 138/2011 to Rs.3,200/- per R, along with statutory benefits. By the Judgments and Awards dated 01.12.2016, in L.A.R. Nos.92/2011, 66/2011, 90/2011 and 65/2011, the learned Reference Court enhanced the market value to Rs.5,000/- per R, along with statutory benefits. The claimants have, therefore, preferred the First Appeals seeking further enhancement,

whereas the Acquiring Body has preferred the Cross Objections challenging the entitlement to interest from the date of publication of the Section 4 notification.

6. Learned counsel Mr. Bhide for the claimants submits that the claimants had led evidence before the learned Reference Court showing that the acquired lands are irrigated lands. He submits that, in the matters relating to the notification dated 29.11.2000, the learned Reference Court relied upon the sale instance dated 21.10.1997 from village Bahirwadi, under which 17 R of land was sold for Rs.60,000/-. By applying 10% increase per year, the learned Reference Court worked out the market value at Rs.5,421/- per R and, after rounding off, granted Rs.5,000/- per R.

7. It is submitted that the record also shows that villages Unchkhadak (Kd.), Bahirwadi and Mehenduri are adjacent to each other and within a periphery of 1 Km. It is further submitted that Mehenduri and Bahirwadi were historically part of the same village and that Unchkhadak (Kd.) and Mehenduri came to be bifurcated from Bahirwadi. Learned counsel, therefore, submits that Sale Deed No.908/2000 dated 17.05.2000 from Unchkhadak (Kd.) is a relevant comparable sale instance. He particularly relies upon the said sale instance for the matters in which the Section 4 notification was published on 29.11.2000, as the sale transaction preceded the said notification.

8. Per contra, learned counsel Mr. Sudhir G. Bhalerao for the Acquiring Body submits that this Court has already considered sale instances from village Bahirwadi in First Appeal No.120 of 2015 and connected matters and, relying upon the sale instances at Exhibits 17 and 19 dated 13.06.1996, determined the market value at Rs.3,700/- per R. In that case also, lands from village Bahirwadi were acquired for the Urdhva Pravara Project, the Section 4 notification was published on 01.03.1998 and the Award was declared on 30.12.2000.

9. Learned counsel submits that the said determination is relevant to the present acquisition. He further submits that, in some of the present matters, the learned Reference Court has already granted Rs.5,000/- per R and, therefore, no further enhancement is warranted.

10. I have considered the submissions advanced by the learned counsel for the claimants and the learned counsel for the Acquiring Body. With their able assistance, I have gone through the Record and Proceedings, the impugned Judgments and Awards and the material placed on record.

11. As regards the matters in which the Section 4 notification was published on 18.02.1998, i.e. in L.A.R. Nos.129/2011, 136/2011, 131/2011, 135/2011, 132/2011, 137/2011, 133/2011, 134/2011 and 138/2011, the Acquiring Body has placed reliance upon the earlier determination of this Court in First Appeal No.120 of 2015 and connected

matters, wherein, on the basis of sale instances dated 13.06.1996 from village Bahirwadi, the market value was determined at Rs.3,700/- per R for an acquisition involving a Section 4 notification dated 01.03.1998. The notification in the present group is dated 18.02.1998, i.e. only a short interval earlier. The record placed before this Court also shows the close geographical proximity of the villages concerned. In the absence of any material on record demonstrating a materially different market trend between the two dates, the rate of Rs.3,700/- per R provides an appropriate basis for determination of the market value in this group of matters. The claimants are, therefore, entitled to enhancement from Rs.3,200/- to Rs.3,700/- per R.

12. As regards L.A.R. Nos.92/2011, 66/2011, 90/2011 and 65/2011, in which the Section 4 notification was published on 29.11.2000, the learned Reference Court, upon appreciation of the oral and documentary evidence adduced by the parties, has determined the market value at Rs.5,000/- per R for the acquired bagayat lands. Having regard to the material placed on record and the reasons recorded by the learned Reference Court, I find no sufficient ground to interfere with the said determination. Consequently, no further enhancement is warranted in these matters.

13. As regards the application for leading additional evidence, since the learned Reference Court has already granted compensation at the rate of Rs.5,000/- per R in the concerned matters and no further enhancement is

being granted therein, the application does not survive and is accordingly disposed of.

14. As regards the Cross Objections, the Acquiring Body has questioned the grant of interest from the date of publication of the Section 4 notification. The interest payable under Sections 28 and 34 of the Act is required to be governed by 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.*** Accordingly, the interest component in the impugned Judgments and Awards requires modification to that extent.

15. In view of the above discussion, First Appeal Nos.4618/2017, 4151/2017, 4159/2017, 4150/2017, 4152/2017, 4153/2017, 4160/2017, 4523/2017 and 4627/2017 deserve to be partly allowed. First Appeal Nos.4155/2017, 4158/2017, 4241/2017 and 4239/2017 deserve to be dismissed. The Cross Objections filed by the Acquiring Body deserve to be partly allowed to the extent of modification of the interest component. Hence, the following order:

O R D E R

(i) First Appeal Nos.4618/2017, 4151/2017, 4159/2017, 4150/2017, 4152/2017, 4153/2017, 4160/2017, 4523/2017 and 4627/2017 are partly allowed.

(ii) First Appeal Nos.4155/2017, 4158/2017, 4241/2017 and 4239/2017 are dismissed.

(iii) The Cross Objections filed by the Acquiring Body are partly allowed to the extent of modification of the interest component.

(iv) The appellants/claimants in First Appeal Nos.4618/2017, 4151/2017, 4159/2017, 4150/2017, 4152/2017, 4153/2017, 4160/2017, 4523/2017 and 4627/2017 shall be entitled to compensation at the rate of Rs.3,700/- per R for their respective acquired lands.

(v) In First Appeal Nos.4155/2017, 4158/2017, 4241/2017 and 4239/2017, the compensation awarded by the learned Reference Court at the rate of Rs.5,000/- per R shall remain unaltered.

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

(vii) The claimants shall be entitled to interest under Sections 28 and 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***, (supra).

(viii) Save and except the aforesaid modifications, the impugned Judgments and Awards dated 19.12.2016 and 01.12.2016 passed by the learned Joint Civil Judge, Senior Division, Sangamner, in the aforesaid Land Acquisition References shall remain unaltered.

(ix) The claimants shall pay the deficit court fees, if any, on the enhanced amount.

(x) The claimants and/or their legal heirs are permitted to withdraw the amount deposited by the Acquiring Body, along with accrued interest, subject to adjustment of the interest component in terms of the law laid down by the Full Bench of this Court in ***State of Maharashtra vs. Kailas Shiva Rangari***, (supra).

(xi) At the time of withdrawal of the amount, the Registrar (Judicial) shall verify all requisite documents, including the heirship certificate, if any.

(xii) After payment of the amount due to the claimants, if any excess amount remains, the same shall be paid to the Acquiring Body along with the accrued interest thereon.

(xiii) The modified Awards be drawn accordingly.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane