



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 FIRST APPEAL NO. 2799 OF 2017

The Executive Engineer, Minor Irrigation Division, Osmanabad And Another
VERSUS
Ankush Deorao Shinde And Another

.....

15 FIRST APPEAL NO. 2800 OF 2017

The Executive Engineer, Minor Irrigation Division, Osmanabad And Another
VERSUS
Harishchandra Sheku Deokate (Dead)
Through L.Rs. Mathurabai And Others

.....

Mr. G.B. Rajale, Advocate for Appellant-Acquiring Body
Mr. S.N. Patne, Advocate for Respondents-Claimants

.....

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 16 SEPTEMBER, 2026

PER COURT :

1. Heard the learned counsel Mr. G.B. Rajale, for the appellant-Acquiring Body and the learned counsel Mr. S.N. Patne, for the respondent-claimants.

2. The present appeals take exception to the common impugned Judgment and Award dated 03.05.2013 passed by the learned 4th Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition References Nos.760 of 2007 and 759 of 2007, whereby the learned Reference Court partly allowed the references under Section 18 of the Land Acquisition Act, 1894 and enhanced the compensation payable to the respondent-claimants along with statutory benefits.

3. The lands belonging to the respondent-claimants, admeasuring 1 Hectare 51 R, 25 R, 1 Hectare 33 R, 3 R and 52 R and 1 Hectare 16 R from Gat Nos.653, 437, 450, 644, 641 and 598, respectively, situated at village Raghuchiwadi, Taluka and District Osmanabad, came to be acquired for the purpose of Raghuchiwadi Minor Tank. The Notification under Section 4 of the Land Acquisition Act, 1894 was published on 11.03.1994. Thereafter, the Special Land Acquisition Officer passed an Award under Section 11 of the Act on 01.08.1997, determining the market value of the acquired lands at the rate of Rs.220/- per R. Being dissatisfied with the compensation so determined, the claimants accepted the amount under protest and sought references under Section 18 of the Act for enhancement of compensation.

4. Upon appreciation of the oral and documentary evidence adduced by the parties and by relying upon the judgments passed in L.A.R. Nos.1400 of 2002 and 1409 of 2002, the learned Reference Court, by the impugned Judgment and Award dated 03.05.2013, enhanced the market value of the acquired lands to Rs.60,000/- per acre, along with all statutory benefits. Being aggrieved thereby, the appellant-Acquiring Body has preferred the present appeals.

5. Learned counsel Mr. Rajale, appearing for the appellant-Acquiring Body, submitted that the learned Reference Court committed an error in enhancing the compensation by relying upon the judgments passed in

earlier L.A.R. Nos.1400 of 2002 and 1409 of 2002, without there being any independent evidence on record to justify such enhancement. It is submitted that the judgments passed in the earlier L.A.Rs. could not have been treated as binding for determining the market value of the acquired lands and that the learned Reference Court has awarded excessive compensation without any independent legal basis. It is, therefore, submitted that the impugned Judgment and Award deserves to be set aside.

6. Per contra, learned counsel for the respondent-claimants supported the impugned Judgment and Award. He submitted that the learned Reference Court has rightly relied upon the judgments passed in the earlier L.A.R. Nos.1400 of 2002 and 1409 of 2002, wherein the lands were acquired for the same project and from the same village and the acquisition arose out of the same Award. He further submitted that, after making appropriate deductions while determining the market value, the learned Reference Court has awarded just and reasonable compensation. Therefore, no interference is warranted with the impugned Judgment and Award.

7. I have considered the submissions advanced by the learned counsel for the appellant-Acquiring Body as well as the learned counsel for the respondent-claimants and, with their able assistance, I have carefully perused the impugned Judgment and Award as well as the material available on record.

8. The record reveals that the learned Reference Court has relied upon the judgments passed in earlier L.A.R. Nos.1400 of 2002 and 1409 of 2002, wherein the market value of the lands acquired for the same project was determined at the rate of Rs.60,000/- per acre. Though the determination of market value in an earlier L.A.R. cannot, by itself, be treated as a binding precedent for determining the market value in every subsequent case, where the lands are acquired for the same project and are similarly situated, such earlier determination can certainly be taken into consideration as a relevant piece of evidence and as a guiding principle for determining the market value of the acquired lands. It is also brought to my notice that the judgments and awards passed in the said earlier L.A.Rs., on which the present references came to be decided, have not been assailed. In the facts and circumstances of the present case, therefore, I find no reason to take a different view from the determination made by the learned Reference Court on the basis of the aforesaid judgments.

9. However, as regards the grant of interest is concerned, it is noticed that the learned Reference Court has directed payment of interest from the date of Section 4 notification till the date of the Award. Such direction is contrary to the law laid down by the Full Bench of this Court in ***State of Maharashtra v. Kailas Shiva Rangari, 2016 (3) Mh.L.J. 457***. Therefore, to that extent, the impugned Judgment and Award requires modification.

10. In view of the aforesaid discussion, the market value determined by the learned Reference Court at the rate of Rs.60,000/- per acre does not call for interference. However, the direction regarding payment of interest requires modification in view of the law laid down by the Full Bench. Hence, the following order:

ORDER

- (i) The First Appeals are partly allowed.
- (ii) The common Judgment and Award dated 03.05.2013 passed by the learned 4th Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition References Nos.760 of 2007 and 759 of 2007, is modified to the extent of interest under Section 34 of the Land Acquisition Act, 1894.
- (iii) The enhancement of compensation granted by the learned Reference Court at the rate of Rs.60,000/- per acre is maintained.
- (iv) The respondent-claimants shall be entitled to all consequential statutory benefits on the enhanced compensation in accordance with the provisions of the Land Acquisition Act, 1894.
- (v) The respondent-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 v. Kailas Shiva Rangari*, (supra).

- (vi) Save and except the modification made hereinabove, the common Judgment and Award dated 03.05.2013 passed by the learned 4th Joint Civil Judge, Senior Division, Osmanabad, in L.A.R. Nos.760 of 2007 and 759 of 2007, shall remain unaltered.
- (vii) The modified Award be drawn accordingly.
- (viii) The respondent-claimants are permitted to withdraw the amount deposited by the appellant-Acquiring Body in this Court, along with accrued interest thereon, subject to adjustment, if any, necessitated on account of the modification of interest under Section 34 of the Act.
- (ix) Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane