IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 FIRST APPEAL NO. 1783 OF 2012

ANUSAYABAI KASHINATH BHINGARDE THR LRS VIMAL AND ORS
VERSUS
THE STATE OF MAH AND ANR
...
WITH
FIRST APPEAL NO. 1785 OF 2012

SINDHUBAI BABANRAO ABUJ AND ORS
VERSUS
THE STATE OF MAH AND ANR
...
WITH
FIRST APPEAL NO. 1789 OF 2012
WITH
CIVIL APPLICATION NO. 7784 OF 2026 IN FA/1789/2012

SANJAY SHRIDHAR KHARDE AND ORS
VERSUS
THE STATE OF MAH AND ANR
...
WITH
FIRST APPEAL NO. 1786 OF 2012

RATANBAI NAMDEO ANBHULE AND ORS
VERSUS
THE STATE OF MAH AND ANR
...
WITH
FIRST APPEAL NO. 1790 OF 2012

PRADEEP MOHINIRAJ PAWAR, DIED THR. L.RS. PRAMODINI AND ORS
VERSUS
THE STATE OF MAH AND ANR
...
WITH
FIRST APPEAL NO. 1788 OF 2012

DAMODHAR GAJANAN KHARDE, DIED THR. L.RS. NANASAHEB AND ORS
VERSUS
THE STATE OF MAH AND ANR
...
WITH
FIRST APPEAL NO. 1787 OF 2012
WITH
CIVIL APPLICATION NO. 507 OF 2026 IN FA/1787/2012

KASHINATH@KANIFNATH SHRIDHAR JADHAV
VERSUS
THE STATE OF MAH AND ANR
...
Advocate for Appellants in all matters : Mr. Shinde Chandrakant K.
AGP for Respondent/State in all matters : Mr. D.R. Korde
Advocate for Respondent 2 in all matters : Mr. B.R. Survase
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : July 27, 2026

PER COURT :-

1. As the acquisition proceeding is of the year 1991, heard finally with the consent of respective parties.

2. In all these first appeals, the claimants/appellants are aggrieved by the judgment and award dated 3.5.2012 passed in respective LAR Nos. 509, 497, 508, 498, 495, 503 and 438 of 2010, by which the reference court has enhanced the compensation.

3. The lands of the claimants were acquired as the lands were falling in submergence of Jayakwadi Project from respective villages. Notification under section 4 of the Land Acquisition Act came to be published on 14.11.1991. Declaration under section 6 was published in Gazette on 27.2.1992. Possession was taken over prior to section 4 notification. Special Land Acquisition Officer (SLAO) has passed the final award on 15.5.1994. Considering the quality of the acquired lands, the SLAO has divided the acquired lands into two groups and has granted compensation at the rate of Rs.18,000/- per H. for group I Jirayat lands, Rs.21,000/- per H. for group II Jirayat lands, one and half times of Jirayat lands for group I

Bagayat lands and Rs.200/- per R. for Potkharab lands. Being aggrieved, the claimants filed the above references under section 18 of the Act before Collector for sending the same for determination of the market value and the Collector forwarded the same to the concerned reference court. To prove the case, the claimants have relied upon sale instances below Exhs. 17 and 18 which were discarded and the reference court has granted compensation at the rate of Rs.36,000/- per H. for Jirayat land, Rs.54,000/- per H. for Bagayat land and Rs.18,000/- per H. for Potkharab land. Being aggrieved, the original claimants preferred the present appeals.

4. Mr. C.S. Shinde, learned counsel appearing for original claimants submits that the reference court ought not to have discarded the sale instances below Exh. 17, which was prior to section 4 notification. As far as sale instance below Exh. 18 is concerned, he submits that it was executed after section 4 notification. He submits that even sale instance after section 4 notification can also be considered and there is no straight jacket formula for determination of market value of the acquired land for not considering the sale instance after section 4 notification and the same can also be considered by making necessary deductions and the court has to consider whether the sale instances were executed by recording higher prices and those are excessive and that was not the case of sale instance, Exh. 18. But the reference court not considered the same. He submits that the acquired lands are seasonally irrigated lands in the present matters. As regards sale instance, Exh. 17 is concerned, he submits that the same is for Jirayat/dry land and as per Exh. 17, 30 R. land from Gat No. 115 of

villageg Godhegaon was sold for Rs. 15,000/- i.e. Rs.500/- per R. i.e. Rs. 50,000/- per H. The said land was purchased by the adjacent land owner of the acquired land and therefore, he submits that the reference court ought not to have discarded the same. He submits that considering all above, the appeals need to be allowed.

5. Per contra, Mr. B.R. Survase, learned counsel for acquiring body and the learned AGP for the State submit that the learned SLAO has rightly categorized the acquired lands as dry, seasonally irrigated and irrigated considering the quality of the lands and has rightly granted compensation. They submit that the learned reference court has rightly discarded the sale instances below Exhs. 17 and 18 and as far as sale instance below Exh. 17 is concerned, it was for small piece of land and only 31 R.land was sold for Rs.15000/- i.e. R. 500/- per R. They further submit that the reference court has committed error while granting compensation from the date of possession which is contrary to the law laid down by the Full Bench of this Court in the case of **State of Maharashtra vs. Kailas Shiva Rangari, 2016 (4) Mh.L.J. 457**. They therefore prays to dismiss the appeals.

6. Having heard the learned counsel for respective parties, with their assistance, I have also gone through record and proceeding. I have also gone through the copy of the sale deed, Exhs. 17 and 18, dated 28.12.1990 and 9.3.1992, respectively. Sale deed, Exh. 18 is after section 4 notification by which the land admeasuring 81 R. from Gat No. 10/1 of village Ghodhegaon was sold for Rs.1,04,000/- i.e. Rs. 1284/- per R. and Rs. 1,28,400/- per H. and it was in respect of Bagayat land. Hence, the

same cannot be considered in the present case.

7. As regards sale deed, Exh. 17 is concerned, it was executed before section 4 notification which was in respect of dry land admeasuring 30 R. from land Gat No. 115 of village Godhegaon. As per Exh. 17 the above land was sold for Rs.15,000/-. The said land was adjacent to the acquired land. Therefore, in my view Exh. 17, can be considered as comparable sale instance for determination of market value of acquired land as it was executed before section 4 notification and the reference court ought to have considered the same. As per Exh. 17, 30 R. dry land was sold for Rs. 50,000/- per H. In the present case, the reference court has granted rate of Rs.36,000/- per H. for Jirayat land, Rs.54000/- per H. for Bagayat lands and Rs. 18,000/- per H. for Potkharab lands. If rate of Rs.50,000/- per H. is considered for dry land, naturally the claimants are entitled to get one and half time more compensation for their seasonally irrigated land, and double amount of Jirayat land for irrigated land. Therefore, the claimants are entitled to receive compensation at the rate of Rs.50,000/- per H. for dry lands, Rs.75,000/- per H. for seasonally irrigated land and Rs.1,00,000/- per H. for irrigated lands and Rs.25,000/- per H. for Potkharab lands. The SLAO has treated lands of the claimants from First Appeal No. 1785/2012 (LAR No. 497/2010) and First Appeal No. 1789/2012 (LAR No. 498/2010) as irrigated lands and therefore, they are entitled to receive Rs. 1,00,000/- per H. for their acquired land and in the rest of the land acquisition references the SLAO has treated lands of the claimants as seasonally irrigated lands and therefore, the claimants from other first appeals are entitled to receive compensation at the rate of

Rs.75,000/- per H. for their seasonally irrigated lands. The claimants are also entitled for 10% escalation per year on the market value determined by this court for one year.

8. As the reference court has granted compensation from the date of possession of the acquired lands I hold that the same is contrary to the law laid down by the Full Bench of this Court in the case of **State of Maharashtra vs. Kailas Shiva Rangari, 2016 (4) Mh.L.J. 457**. Hence, the following order.

O R D E R

(I) The appeals are partly allowed.

(II) The appellants/claimants from First Appeal No. 1785/2012 (LAR No. 497/2010) and First Appeal No.1789/2012 (LAR No. 498/2010) are entitled to receive compensation at the rate of Rs.1,00,000/- per H. for their irrigated lands and Rs.25,000/- per H. for Pot Kharab lands. In rest of the appeals the claimants are entitled to receive compensation at the rate of Rs. 75,000/- per H. for their semi irrigated lands and Rs.25,000/- per H. for their Pot Kharab lands.

(III) The appellants/claimants are also entitled to 10% escalation per year on the above market value of the acquired lands determined by this Court for the period of one year.

(IV) The appellants/claimant shall be entitled to all consequential statutory benefits under the provisions of the Land Acquisition Act, 1894 on the enhanced compensation.

(V) The claimants shall be entitled to interest and other statutory benefits strictly in accordance with the law laid down by the Full Bench of

this Court in the case of **State of Maharashtra vs. Kailas Shiva Rangari.**

(VI) The impugned judgment and order of the reference court is modified to that extent.

(VII) Rest of the award is maintained.

(VIII) Civil Applications, if any, stands disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/