



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 FIRST APPEAL NO. 2150 OF 2013

The State Of Maharashtra And Others
VERSUS
Dattatraya Nagorao Shelke

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Mr. S.N. Morampalle, AGP for Appellant-State

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 29 AUGUST, 2026

PER COURT :

1. Heard learned AGP for the appellant-State. None appears for the respondent-claimant.

2. By this appeal, the appellant-State takes exception to the Judgment and Award dated 30.09.2011 passed by the learned Civil Judge, Senior Division, Ahmedpur, in Land Acquisition Reference No.384 of 2005. By the said Judgment and Award, the learned Reference Court partly allowed the reference under Section 18 of the Land Acquisition Act, 1894 and enhanced the compensation by determining the market value of the acquired land at Rs.1,30,000/- per Acre, i.e. Rs.3,250/- per R, along with the statutory benefits. The learned Reference Court also granted 7% enhancement towards the acquired trees.

3. The respondent-claimant's land admeasuring 43 R from Survey No.711, situated at village Khandli, Taluka Ahmedpur, District Latur, was proposed to be acquired for the purpose of construction of Khandali Storage Tank. The possession of the land was taken on 31.12.1998, whereas the notification under Section 4 of the Land Acquisition Act, 1894 was published subsequently on 04.02.1999. The Special Land Acquisition Officer thereafter passed the Award under Section 11 of the Act and determined the compensation at the rate of Rs.696.76 per R. Compensation was also determined towards the acquired trees. Being dissatisfied with the compensation so determined, the claimant accepted the amount under protest and sought a reference under Section 18 of the Act for determination of the market value.

4. Before the learned Reference Court, the claimant relied upon the sale instances at Exhibits 17 and 18. The sale instance at Exhibit 17, dated 17.01.1997, was in respect of 6 R of land sold for Rs.30,000/-. The sale instance at Exhibit 18, of the year 1998, was in respect of 20 R of land sold for Rs.50,000/-. Both the sale instances were prior to the publication of the Section 4 notification dated 04.02.1999. Upon consideration of the said sale instances, the learned Reference Court determined the market value of the acquired land at Rs.1,30,000/- per Acre, equivalent to Rs.3,250/- per R. The learned Reference Court further granted 7% enhancement towards the acquired trees. Aggrieved thereby, the State has preferred the present appeal.

5. Learned AGP for the appellant-State submits that the learned Reference Court was not justified in enhancing the compensation. He submits that the Special Land Acquisition Officer had already considered the relevant sale instances while determining the compensation. According to him, the sale instances at Exhibits 17 and 18 did not justify the enhancement granted by the learned Reference Court. He further submits that the learned Reference Court has also relied upon the report of a private valuer, which could not form a proper basis for determination of the market value. He, therefore, submits that the impugned Judgment and Award deserves to be set aside.

6. I have considered the submissions of the learned AGP and perused the Record and Proceedings and the impugned Judgment and Award.

7. It appears that claimant relied upon the sale instances at Exhibits 17 and 18. The sale instance at Exhibit 17, dated 17.01.1997, relates to 6 R of land sold for Rs.30,000/-, reflecting a rate of Rs.5,000/- per R. The sale instance at Exhibit 18, of the year 1998, relates to 20 R of land sold for Rs.50,000/-, reflecting a rate of Rs.2,500/- per R. The learned Reference Court, upon considering these sale instances, determined the market value at Rs.3,250/- per R, i.e. Rs.1,30,000/- per Acre.

8. Both the sale instances relied upon by the claimant are prior to the publication of the Section 4 notification dated 04.02.1999. The rates

reflected in the said instances are Rs.5,000/- per R and Rs.2,500/- per R respectively. The rate of Rs.3,250/- per R determined by the learned Reference Court is between the rates reflected in the said two sale instances.

9. The learned AGP has not pointed out any specific material on record to demonstrate that the sale instances at Exhibits 17 and 18 were wholly irrelevant or that the rate determined by the learned Reference Court was unsupported by the evidence. The mere fact that the Special Land Acquisition Officer had determined a lower amount cannot, by itself, justify interference with the determination made by the learned Reference Court when the latter has considered the evidence available on record.

10. As regards the compensation towards trees, the learned Reference Court, after considering the number of trees and the valuation determined by the Special Land Acquisition Officer, granted 7% enhancement. The learned AGP has not pointed out any specific error in such determination or any material to demonstrate that the said enhancement is excessive.

11. In the present case, the learned Reference Court has considered the sale instances produced by the claimant and has determined the market value at Rs.3,250/- per R. The said determination cannot be said to be arbitrary or excessive so as to warrant interference by this Court.

12. In view of the above discussion, I find no error in the approach adopted by the learned Reference Court warranting interference by this

Court. The impugned Judgment and Award, therefore, calls for no interference. The appeal is devoid of merit and deserves to be dismissed.

13. The First Appeal is dismissed.

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane