



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 FIRST APPEAL NO. 974 OF 2013

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION(Z.P)
OSMANABAD

VERSUS

BHAIRU SHAMRAO KOTHAWALE AND ORS

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Advocate for Appellant : Mr. B.B. Bhise
AGP for Respondent/State : Mr. D.R. Korde

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CORAM : SIDDHESHWAR S. THOMBRE, J.

Dated : July 27, 2026

PER COURT :-

1. Mr. B.B. Bhise, learned counsel appears for appellant/acquiring body. In view of the same, Mr. R.V. Naiknavare, learned counsel is discharged.
2. Admit.
3. As the acquisition proceeding was initiated in the year 2000, heard finally with the consent of Mr. B.B. Bhise, learned counsel for appellant and Mr. D.R. Korde, learned AGP for respondent/State.
4. By this appeal, the appellant/acquiring body assails the judgment and award dated 13.12.2011 passed by the learned 3rd Jt. Civil Judge, Senior Division, Osmanabad in LAR No. 215/2006 whereby the learned reference court enhanced the compensation.
5. Land of the claimant admeasuring 99 R. from Gat No. 488 and 8 R. land from Gat No. 520 situated at village Pimpalgaon (K), Tq. Washi, District Osmanabad was acquired for construction of tank at village Pimpalgaon (K). Notification under section 4 of the Land Acquisition Act was published on 16.3.2000. Declaration under section 6 of the Act was published on 1.7.2002. Thereafter award was passed by the Special Land

Acquisition Officer. It is the case of the claimant that the above acquired lands were irrigated and the SLAO has granted compensation of Rs.47480/- for the entire lands and on that amount interest and other statutory benefits were granted, which was very inadequate. Therefore, the above reference was filed under section 18 of the Act before the Collector and the Collector has referred the same before the reference court. The reference court enhanced the amount of compensation at the rate of Rs.84,000/- per acre. Hence, the present appeal is filed.

6. Mr. B.B. Bhise, learned counsel for the acquiring body submits that the reference court has wrongly determined the market value of the acquired lands, after considering the sale instance of the year 1997 below Exh. 14, determined the market value of the acquired lands at the rate of Rs.84,000/- per acre by including increase of 10% per year for three years as notification was issued in the year 2000. Hence, he prayed to allow the appeal. The learned APP also supports the contention of the acquiring body.

7. Though served, none appeared for respondent/original claimant.

8. Having heard the learned counsel for the acquiring body and having gone through the record and proceedings, it appears that the claimant has placed reliance on sale instance Exh. 14 dated 24.6.1997 40 R. land from Gat No. 103 of village Pimpalgaon (K) was sold for Rs.1,00,000/-. The said land was Bagayat land. The reference court relying on the sale instance of the year 1997, Exh. 14 has rightly determined the market value of the acquired lands at the rate of Rs.84,000/- per acre by including increase of 10% per year for three years as notification was issued in the year 2000. I hold that the reference court has rightly considered the comparable sale

instance below Exh. 14 and rightly arrived at market value of the acquired land. I do not see any reason to intervene in the impugned judgment and award. The first appeal is devoid of merits and the same is dismissed. Civil application, if any, also stands disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/