



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 FIRST APPEAL NO. 3993 OF 2017

The State Of Maharashtra And Another
VERSUS
Sitaram Narayan Agrawal Deceased Vishwanath Sitaram Agrawal

AND
FIRST APPEAL NO. 3990 OF 2017

The State Of Maharashtra And Another
VERSUS
Sitaram Narayan Agrawal Deceased Vishwanath Sitaram Agrawal

.....
Mr. S.S. Dande, AGP for Appellant-State
Mr. V.R. Dhorde, Advocate for the Respondent-Claimant in both FAs
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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 04 SEPTEMBER, 2026

PER COURT :

1. Heard learned AGP appearing for the appellant-State and learned counsel appearing for the respondent-claimant.
2. These appeals take exception to the Judgment and Award dated 16.02.2012 passed by the learned Joint Civil Judge, Senior Division, Amalner, in Land Acquisition Reference No.672 of 1993 and the Judgment and Award dated 27.01.2012 passed in Land Acquisition Reference No.671 of 1993, whereby the learned Reference Court partly allowed the references under Section 18 of the Land Acquisition Act, 1894 and enhanced the compensation by determining the market value of the acquired lands at the rate of Rs.15/- per sq. ft., along with the statutory benefits.

3. The lands of the respondent-claimant admeasuring 7 R and 46 R from Gat Nos.1149 and 1148 respectively, situated at Mouje Chopda, Taluka Chopda, District Jalgaon, were acquired for construction of Shirpur-Raver Road. The Land Acquisition Officer passed the award and determined compensation at Rs.2,262.40/- for the land from Gat No.1149 and Rs.14,867/- for the land from Gat No.1148. Being dissatisfied with the compensation so determined, the respondent-claimant accepted the amount under protest and sought references under Section 18 of the Land Acquisition Act, 1894.

4. Before the learned Reference Court, the claimant relied upon two sale instances. The first sale instance was dated 31.03.1976, whereby land admeasuring 57.7 sq. mtrs. situated at Chopda was sold for consideration of Rs.15,000/-. The second sale instance was dated 30.06.1976, whereby land admeasuring about 36.8 sq. mtrs. situated within the Chopda Municipal town area was sold for consideration of Rs.4,000/-. The learned Reference Court relied upon the first sale instance and determined the market value of the acquired land at the rate of Rs.15/- per sq. ft. Being aggrieved by the same, the present appeals are filed by the Appellant-State.

5. Learned AGP for the appellant-State submits that the learned Reference Court has erred in placing reliance upon the sale instance dated 31.03.1976 without making any appropriate deduction. According to him,

the sale instance relates to a very small piece of land and, therefore, the rate reflected therein could not have been adopted for acquisition of a substantially larger tract of land. He further submits that the acquired land was required for construction of Shirpur-Raver Road and, therefore, the sale transaction could not be treated as a comparable instance without appropriate adjustment. He also points out that the second sale instance dated 30.06.1976 relates to land admeasuring about 36.8 sq. mtrs. sold for Rs.4,000/-, which works out to approximately Rs.10.10 per sq. ft. He, therefore, submits that the market value fixed at Rs.15/- per sq. ft. is on the higher side and deserves to be reduced.

6. Per contra, learned counsel for the respondent-claimant submits that both the sale instances are of lands situated at Chopda and relate to a period prior to the acquisition. He submits that the acquired lands were non-agricultural lands situated at Chopda and that the location of the land, particularly its proximity to Shirpur-Raver Road and the surrounding development, justified a higher valuation. He further submits that the learned Reference Court has, in fact, not adopted the rate reflected in the first sale instance but has determined the market value at a substantially lower rate of Rs.15/- per sq. ft. He submits that the said determination is reasonable and calls for no interference.

7. I have considered the rival submissions and perused the impugned Judgments and Awards and the material placed on record.

8. There is no dispute that the acquired lands are situated at Chopda and that the sale instances relied upon by the claimant also relate to lands situated at Chopda. The first sale instance dated 31.03.1976 is prior to the acquisition and relates to non-agricultural land situated in the same town. Thus, it cannot be said that the sale instance has no bearing upon the valuation of the acquired lands.

9. The principal objection raised by the learned AGP is that the sale instance relates to a small piece of land and, therefore, deduction ought to have been made. The submission, in principle, deserves consideration. However, the question before this Court is whether the ultimate rate of Rs.15/- per sq. ft. determined by the learned Reference Court is excessive or otherwise unsupported by the evidence.

10. The relevant calculations arising from the sale instances may be noticed. The sale instance dated 31.03.1976 concerns land admeasuring 57.7 sq. mtrs. sold for Rs.15,000/-. Since one square metre comprises approximately 10.764 sq. ft., the said area works out to approximately 620.83 sq. ft. Thus, the rate reflected by the said sale instance comes to approximately Rs.24.15/- per sq. ft. Even if 30% deduction, as suggested by the learned AGP, is applied to the said rate, the resultant rate would be approximately Rs.16.90/- per sq. ft. The learned Reference Court, however, has determined the market value at Rs.15/- per sq. ft. Thus, the rate

determined by the learned Reference Court is already lower than the rate which would result even after applying the proposed 30% deduction.

11. The above calculation itself demonstrates that the rate of Rs.15/- per sq. ft. determined by the learned Reference Court is lower than the rate that would result even after applying the 30% deduction suggested by the learned AGP to the first sale instance. Further, the second sale instance reflects a rate of approximately Rs.10.10/- per sq. ft. Thus, the rate of Rs.15/- per sq. ft. falls between the two sale instances and cannot, in the circumstances of the case, be said to be arbitrary or excessive.

12. The learned Reference Court has also taken into consideration the location of the acquired land and the fact that the claimant's land was non-agricultural in nature. The claimant's evidence further indicates the location of the land in relation to Shirpur-Raver Road and the surrounding area. At the same time, the Reference Court has not adopted the entire rate reflected in the first sale instance, but has moderated the same while determining the market value at Rs.15/- per sq. ft.

13. Merely because the sale instance relied upon relates to a smaller area, a further deduction is not warranted in the facts of the present case when the rate ultimately fixed by the Reference Court is already below the rate which would emerge after the 30% deduction suggested by the State. The second sale instance also lends support to the conclusion that the rate of Rs.15/- per sq. ft. is not excessive.

14. In this view of the matter, the findings recorded by the learned Reference Court do not suffer from any perversity, illegality or material irregularity warranting interference in appellate jurisdiction. The compensation determined at the rate of Rs.15/- per sq. ft. appears to be just and reasonable. Consequently, both the appeals, being devoid of merit, are liable to be dismissed.

15. Both the First Appeals are dismissed.

16. The respondent-claimant shall be entitled to withdraw the amount, if any, deposited by the State/Acquiring Body in terms of the impugned Judgments and Awards, along with the interest accrued thereon, in accordance with law.

17. Pending Civil Applications, if any, stand disposed of.

18. The Record and Proceedings, if received, be sent back to the concerned Court.

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane