



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

913 FIRST APPEAL NO. 2552 OF 2019

The State of Maharashtra And Others

VERSUS

Dhawalabai Rawaji Khadke And Another

....

WITH

FIRST APPEAL NO. 2907 OF 2021

ALONG WITH

CIVIL APPLICATION NO. 12578 OF 2021 IN FA/2907/2021

Ganga Raghu Khadke And Ors

VERSUS

The State Of Maharashtra Thr Collector, Ahmednagar And Ors

....

WITH

FIRST APPEAL NO. 2554 OF 2019

The State Of Maharashtra And Others

VERSUS

Nawasu Deu Songal

....

WITH

FIRST APPEAL NO. 2555 OF 2019

The State Of Maharashtra And Others

VERSUS

Laxman Deu Khadke And Another

....

WITH

FIRST APPEAL NO. 2553 OF 2019

The State Of Maharashtra And Others

VERSUS

Dhawala Kanalu Kevari Lrs Soma And Others

....

WITH

FIRST APPEAL NO. 2560 OF 2019

The State Of Maharashtra And Others

VERSUS

Gangubai Rama Khadkethr Lrs Vithabai And Others

....

WITH

FIRST APPEAL NO. 2908 OF 2021
ALONG WITH
CIVIL APPLICATION NO. 12589 OF 2021 IN FA/2908/2021

Pandu Raghu Wagh And Ors.

VERSUS

The State Of Maharashtra Thr Collector, Ahmednagar And Ors.

....

WITH

FIRST APPEAL NO. 2558 OF 2019

The State Of Maharashtra And Others

VERSUS

Govinda Rama Khadke

.....

WITH

FIRST APPEAL NO. 2557 OF 2019

The State Of Maharashtra And Others

VERSUS

Vithabai Laxman Gangad

....

WITH

FIRST APPEAL NO. 2562 OF 2019

The State Of Maharashtra And Others

VERSUS

Rahibai Laxman Khadke

....

WITH

FIRST APPEAL NO. 2895 OF 2021

Dhawala Kamalu Kevari (deceased) Thr Lrs. Soma Dhawala
Kevari And Others

VERSUS

The State Of Maharashtra Through Collector, Ahmednagar And
Others

.....

WITH

FIRST APPEAL NO. 2896 OF 2021

Barku Rama Songal

VERSUS

The State Of Maharashtra Through Collector, Ahmednagar &
Others

.....

WITH

FIRST APPEAL NO. 2897 OF 2021

Govinda Rama Khadke

VERSUS

The State Of Maharashtra Through Collector, Ahmednagar And Others

....

WITH

FIRST APPEAL NO. 2898 OF 2021

Gangubai Khema Pokale

VERSUS

The State Of Maharashtra Thr Collector, Ahmednagar And Ors

....

WITH

FIRST APPEAL NO. 2899 OF 2021

Vithabai Laxman Gangad

VERSUS

The State Of Maharashtra Through Collector, Ahmednagar And Others

....

WITH

FIRST APPEAL NO. 2900 OF 2021

Gangubai Rama Khadke (deceased), Thr Lrs. Vithabai And Others

VERSUS

The State Of Maharashtra Through Collector, Ahmednagar And Others

....

WITH

FIRST APPEAL NO. 2901 OF 2021

Rahibai Laxman Khadke

VERSUS

The State Of Maharashtra Through Collector, Ahmednagar And Others

....

WITH

FIRST APPEAL NO. 2902 OF 2021

Tukaram Chima Pokale And Others

VERSUS

The State Of Maharashtra Through Collector, Ahmednagar And Others

....

WITH
FIRST APPEAL NO. 2903 OF 2021

Laxman Deu Khadke And Another

VERSUS

The State Of Maharashtra Through Collector, Ahmednagar And
Others

.....

WITH
FIRST APPEAL NO. 2904 OF 2021

Dhawalabai Rawaji Khadke And Anr

VERSUS

The State Of Maharashtra Thr Collector, Ahmednagar And Ors

.....

WITH
FIRST APPEAL NO. 2906 OF 2021
ALONG WITH
CIVIL APPLICATION NO. 12576 OF 2021
IN FA/2906/2021

Parvatabai Kusa Gudnar (died) Thr Lrs Bhagwan And Ors

VERSUS

The State Of Maharashtra Thr Collector, Ahmednagar And Ors

.....

WITH
FIRST APPEAL NO. 2563 OF 2019

The State Of Maharashtra And Others

VERSUS

Tukaram Chima Pokale And Others

....

WITH
FIRST APPEAL NO. 2909 OF 2021
ALONG WITH
CIVIL APPLICATION NO. 12593 OF 2021 IN FA/2909/2021

Deoji Rama Khadke (died) Thr Lrs Thaka And Ors

VERSUS

The State Of Maharashtra Thr Collector, Ahmednagar And Ors

.....

WITH
FIRST APPEAL NO. 2910 OF 2021
ALONG WITH
CIVIL APPLICATION NO. 12591 OF 2021 IN FA/2910/2021

Rama Bhiva Pokale (died) Thr Lrs Laxman And Ors
VERSUS
 The State Of Maharashtra Thr Collector, Ahmednagar And Ors

....

WITH
FIRST APPEAL NO. 2911 OF 2021
ALONG WITH
CIVIL APPLICATION NO. 12586 OF 2021 IN FA/2911/2021

Chima Kusa Nirgude And Ors
VERSUS
 The State Of Maharashtra Thr Collector, Ahmednagar And Ors.

.....

WITH
FIRST APPEAL NO. 2913 OF 2021
ALONG WITH
CIVIL APPLICATION NO. 12579 OF 2021 IN FA/2913/2021

Ramchandra Savleram Khadke (died) Thr Lrs. Mahesh (died)
 Damu And Ors
VERSUS
 The State Of Maharashtra Thr Collector, Ahmednagar And Ors

....

WITH
FIRST APPEAL NO. 2561 OF 2019

The State Of Maharashtra And Others
VERSUS
 Pandu Bhoru Khadke And Others

....

WITH
FIRST APPEAL NO. 2556 OF 2019

The State Of Maharashtra And Others
VERSUS
 Gangubai Khema Pokale

.....

WITH
FIRST APPEAL NO. 2559 OF 2019

The State Of Maharashtra And Others
VERSUS
 Barku Rama Songal

.....

WITH
FIRST APPEAL NO. 2641 OF 2021

ALONG WITH
CIVIL APPLICATION NO. 7788 OF 2013 IN FA/2641/2021
CIVIL APPLICATION NO. 11975 OF 2024 IN FA/2641/2021

The State Of Maharashtra And Others

VERSUS

Ganga Raghu Khadke And Others

.....

WITH

FIRST APPEAL NO. 2642 OF 2021

ALONG WITH

CIVIL APPLICATION NO. 7812 OF 2013 IN FA/2642/2021
CIVIL APPLICATION NO. 11984 OF 2024 IN FA/2642/2021

The State Of Maharashtra And Others

VERSUS

Pandu Raghu Wagh And Others

....

WITH

FIRST APPEAL NO. 2643 OF 2021

ALONG WITH

CIVIL APPLICATION NO. 7792 OF 2013 IN FA/2643/2021
CIVIL APPLICATION NO. 11981 OF 2024 IN FA/2643/2021

The State Of Maharashtra And Others

VERSUS

Kawaji Rawaji Songal And Others

....

WITH

FIRST APPEAL NO. 2644 OF 2021

ALONG WITH

CIVIL APPLICATION NO. 7782 OF 2013 IN FA/2644/2021
CIVIL APPLICATION NO. 11942 OF 2024 IN FA/2644/2021

The State Of Maharashtra And Others

VERSUS

Sakhubai Mahadu Bartad And Another

....

WITH

FIRST APPEAL NO. 2645 OF 2021

ALONG WITH

CIVIL APPLICATION NO. 7817 OF 2013 IN FA/2645/2021
CIVIL APPLICATION NO. 11985 OF 2024 IN FA/2645/2021

The State Of Maharashtra And Others

VERSUS

Parvatabai Kusa Gudnar And Others

....

WITH

FIRST APPEAL NO. 2648 OF 2021

ALONG WITH

**CIVIL APPLICATION NO. 7772 OF 2013 IN FA/2648/2021
CIVIL APPLICATION NO. 11943 OF 2024 IN FA/2648/2021**

The State Of Maharashtra And Others

VERSUS

Kusa Ganga Pokale And Others

....

WITH

FIRST APPEAL NO. 2649 OF 2021

ALONG WITH

**CIVIL APPLICATION NO. 7810 OF 2013 IN FA/2649/2021
CIVIL APPLICATION NO. 11976 OF 2024 IN FA/2649/2021**

The State Of Maharashtra And Others

VERSUS

Chima Kusa Nirgude And Others

....

WITH

FIRST APPEAL NO. 2650 OF 2021

ALONG WITH

**CIVIL APPLICATION NO. 11950 OF 2024 IN FA/2650/2021
CIVIL APPLICATION NO. 7778 OF 2024 IN FA/2650/2021**

The State Of Maharashtra And Others

VERSUS

Ramchandra Savleram Khadke And Others

....

WITH

FIRST APPEAL NO. 2651 OF 2021

ALONG WITH

**CIVIL APPLICATION NO. 11974 OF 2024 IN FA/2651/2021
CIVIL APPLICATION NO. 7776 OF 2013 IN FA/2651/2021**

The State Of Maharashtra And Others

VERSUS

Rama Bhiva Pokale And Another

....

WITH

FIRST APPEAL NO. 2640 OF 2021

ALONG WITH

**CIVIL APPLICATION NO. 7768 OF 2013 IN FA/2640/2021
CIVIL APPLICATION NO. 11983 OF 2024 IN FA/2640/2021**

The State Of Maharashtra And Others

VERSUS

Vitthal Alu Pokale And Others

....

WITH

FIRST APPEAL NO. 2646 OF 2021

ALONG WITH

**CIVIL APPLICATION NO. 7806 OF 2013 IN FA/2646/2021
CIVIL APPLICATION NO. 11980 OF 2024 IN FA/2646/2021**

The State Of Maharashtra And Others

VERSUS

Deoji Rama Khadke

....

WITH

FIRST APPEAL NO. 2647 OF 2021

ALONG WITH

**CIVIL APPLICATION NO. 7774 OF 2013 IN FA/2647/2021
CIVIL APPLICATION NO. 11977 OF 2024 IN FA/2647/2021**

The State Of Maharashtra And Others

VERSUS

Mahadu Rama Pokale And Another

.....

WITH

FIRST APPEAL NO. 2561 OF 2019

The State Of Maharashtra And Others

VERSUS

Pandu Bhoru Khadke and Ors.

....

WITH

FIRST APPEAL NO. 2555 OF 2019

The State Of Maharashtra And Others

VERSUS

Laxman Deu Khadke and Ors.

....

WITH

FIRST APPEAL NO. 2905 OF 2021

ALONG WITH

CIVIL APPLICATION NO.12596 OF 2021 IN FA/2905/2021

Kusa Ganga and Ors.
VERSUS
 The State Of Maharashtra And Others

....

WITH
FIRST APPEAL NO. 2912 OF 2021
ALONG WITH
CIVIL APPLICATION NO.12583 OF 2021 IN FA/2912/2021

Mahadu Rama Pokale and Ors.
VERSUS
 The State Of Maharashtra And Others

....

FIRST APPEAL (STAMP) NO. 32748 OF 2021
ALONG WITH
CIVIL APPLICATION NO.13942 OF 2021 IN FAST/32748/2021
CIVIL APPLICATION NO.13943 OF 2021 IN FAST/32748/2021

Pandu Bhoru Khadke and Ors.
VERSUS
 The State Of Maharashtra And Others

.....

FIRST APPEAL (STAMP) NO. 33084 OF 2021
ALONG WITH
CIVIL APPLICATION NO.13948 OF 2021 IN FAST/33084/2021
CIVIL APPLICATION NO.13949 OF 2021 IN FAST/33084/2021

Vitthal Alu Pokale and Ors.
VERSUS
 The State Of Maharashtra And Others

....

FIRST APPEAL (STAMP) NO. 33088 OF 2021
ALONG WITH
CIVIL APPLICATION NO.13946 OF 2021 IN FAST/33088/2021
CIVIL APPLICATION NO.13947 OF 2021 IN FAST/33088/2021

Sakhubai Bartad and Ors.
VERSUS
 The State Of Maharashtra And Others

....

FIRST APPEAL (STAMP) NO. 33081 OF 2021
ALONG WITH
CIVIL APPLICATION NO.13944 OF 2021 IN FAST/33081/2021
CIVIL APPLICATION NO.13945 OF 2021 IN FAST/33081/2021

Kawaji Rawaji Songal and Ors.
VERSUS
 The State Of Maharashtra And Others

Appearance in all Appeals

Mr. S. M. Ganachari, AGP for the Appellants – State in Appeals by State

Mr. G. B. Rajale h/f Mr. R. K. Temkar, Advocate for the respective Respondents / Claimants in Appeals by Claimants

CORAM : NEERAJ P. DHOTE, J.

DATE : 06.08.2026

COMMON ORDER :

1. Not on Board. Upon mentioning, First Appeal Nos.2561/2019 and 2555/2019 by the State and First Appeal Nos.2905/2021, 2912/2021 as well as First Appeal (Stamp) Nos.32748/2021, 33084/2021, 33088/2021 and 33081/2021 by the Claimants are taken on Board, as the connected Appeals are listed.

2. Since the Appeals by the State and by the Claimants are against one and the same common Judgment dated 27.02.2012, passed by the learned Civil Judge, Senior Division, Sangamner, in a group of Land Acquisition Reference Applications (LARs), common evidence is led by the Claimants before the learned Reference Court and common submissions are advanced, they are decided by this common order.

3. The following Chart gives the necessary details in respect of the acquired lands : -

Sr. No.	First Appeals by State	First Appeals by Claimants	L.A.R. No.	Area	Rate granted by the SLO	Rate granted by the Reference Court
1.	2552/2019	2904/2021 [Phawalabai Khadke & Ors.]	78/2002	1 H. 50 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
2.	2556/2019	2898/2021 [Gangubai Khema Pokale]	80/2002	22.9 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
3.	2563/2019	2902/2021 [Tukaram C. Pokale]	82/2002	1 H. 56 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
4.	2562/2019	2901/2021 [Rahibai L. Khadke]	83/2002	99.9 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
5.	2561/2019	F.A. St. No.32748/2021 [Pandu Bhoru Khadke]	84/2002	4 H. 52 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
6.	2555/2019	2903/2021 [Laxman Deu Khadke]	85/2002	38.5 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
7.	2558/2019	2897/2021 [Govinda Rama Khadke]	87/2002	24 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
8.	2559/2019	2896/2021 [Barku R. Songal]	89/2002	42.6 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
9.	2557/2019	2899/2021 [Vithabai Laxman Gangad & ors.]	98/2002	50.6 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter

10.	2560/2019	2900/2021 [Gangabai R. Khadke]	101/2002	3 H. 89 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
11.	2554/2019	--	103/2002	19.1 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
12.	2553/2019	2895/2021 [Dawale Kamalu Kaveri]	104/2002	19 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
13.	2640/2021	F.A. St. No.33084/2 021 [Vitthal Alu Pokale]	79/2002	32.9 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
14.	2641/2021	2907/2021 [Ganga Raghu Khadke]	86/2002	88 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
15.	2650/2021	2913/2021 [Ramchand a Savleram Khadke]	88/2002	24.2 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
16.	2648/2021	2905/2021 (Kusa Ganga]	90/2002	48 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
17.	2642/2021	2908/2021 [Pandu Raghu Wagh]	99/2002	1 H. 46 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
18.	2649/2021	2911/2021 [Chima Kusa & Ors.]	100/2002	1 H. 74 R.	Rs.36,000/-to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
19.	2644/2021	F.A. St. No.33088/2 021 [Sakhubai Bartad & Ors.]	102/2002	69 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter

20.	2645/2021	2906/2021 [Parvatabai Kusa]	105/2002	3 H. 50 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
21.	2651/2021	2910/2021 [Rama B. Pokale]	106/2002	4 H. 88 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
22.	2647/2021	2912/2021 [Mahadu Rama Pokale]	107/2002	33.4 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
23.	2646/2021	2909/2021 [Deoji Rama Khadke]	108/2002	62 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter
24.	2643/2021	F.A. St. No.33081/2 021 [Kawaji Rawaji Songal]	109/2002	19.3 R.	Rs.36,000/- to Rs.40,000/- per Hector in each matter	Rs.2,00,000/- per Hector in each matter

4. The aforesaid lands came to be acquired for the Ghatghar Hydro Electric Project at Ghatghar, Taluka – Akole, District – Ahmednagar, vide File No. LAQ/SR/2-A/1992. The notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as ‘the L. A. Act’) was issued on 18.03.1997 and the final Award came to be declared on 24.03.2000. The Special Land Acquisition Officer (hereinafter referred to as ‘the SLAO’) awarded the compensation within the range of Rs.360/- to 400/- per R. by considering the acquired lands as dry. The Claimants filed the aforesaid reference applications for enhancing the compensation and led the evidence in LAR No.106/2002 for all the reference applications as can be seen from the observations in Paragraph No.7 of the Judgment passed by the learned Reference Court. The Claimants relied on three (03) sale instances below Exhibits – 38,

39 and 40 from the adjoining villages. The learned Reference Court enhanced the compensation at Rs.2,00,000/- per Hectare.

5. Heard the learned AGP for the State and the learned Advocate for the Claimant/s. With their assistance, perused the papers of lead First Appeal No.2552/2019.

[A] It is submitted by the learned AGP that, the sale instances brought on record by the Claimants, before the learned Reference Court, were not from the village where the acquired lands were situated. The said sale instances were from the different villages, and therefore the same cannot be called as the comparable sale instances. He further submits that, the learned Reference Court gave no reasons at all for enhancing the compensation to Rs.2,00,000/- per Hectare. The SLAO had rightly categorized the acquired lands and determined the compensation. He further submits that, the learned Reference Court has granted the interest from the date of Section 4 notification, which is contrary to the decision of this Court in the case of **State of Maharashtra Vs. Kailash Shiva Rangari; 2016 (4) All MR 513**. He submits that, the Appeals filed by the State be allowed and the Appeals filed by the Claimants be dismissed. In support of his submissions, he relied on the Judgment in **Vithal Rao and Another Vs. Special Land Acquisition Officer; (2017) 8 SCC 558**, wherein, it is observed that, the sale instances are required to be comparative sale instances of nearby / adjacent area and the sale should be proximate to the date of acquisition, possessing similar advantages.

[B] It is submitted by the learned Advocate for the Claimants that, since no sale instance from the same village was available, the Claimants brought on record the aforesaid sale instances from the adjacent villages, i.e. Rozur and Sakhirwadi. The said sale instances were proximate in time with the Section 4 notification and were found to be comparable sale instance by the learned Reference Court. He further submits that, the land under the sale instances were undisputedly dry lands and the learned Reference Court by considering the existence of well in the acquired property and the cropping pattern, considered the acquired lands as semi-irrigated. He submits that, though the average rates of the said sale deeds were calculated as Rs.4,00,000/- per Hectare for the dry lands, the learned Reference Court without any reasons enhanced the compensation to Rs.2,00,000/- per Hectare. He submits that, the enhanced compensation was contrary to the evidence on record and the compensation be enhanced to Rs.6,00,000/- per Hectare. He submits that, there can be no dispute in respect of the settled legal position in the said case of *State of Maharashtra Vs. Kailash Shiva Rangari (supra)* that, the interest should be calculated from the date of final award under Section 11 of the L. A. Act. He submits that, the Appeals filed by the State be dismissed and the Appeals filed by the Claimants be allowed. In support of his submissions, he relied on the decision in **Udho Dass Vs. State of Haryana and Others; (2010) 12 SCC 51**, wherein, it is observed that, the aspect of potentiality of the acquired lands can be contended at the appellate stage, and further contended that, the purpose of acquisition was commercial, as the electricity generated by the hydroelectric project was sold to the consumers.

6. There is no dispute in respect of the extent of acquired lands and the purpose, for which the lands are acquired. The purpose for acquisition undisputedly was for generation of hydro electricity. There cannot be any dispute on the settled legal principles that, it is for the Claimants to establish their case for enhanced compensation by adducing the evidence. In support of their claim for enhanced compensation, the Claimants brought on record the certified copies of the sale instances below Exhibits – 38, 39 and 40, which were dated 30.07.1997, 01.07.1997 and 12.09.1996, respectively. Section 4 notification is dated 18.03.1997. The learned Reference Court found the said sale instances within the reasonable period of issuance of Section 4 notification, as is clear from the Paragraph No.19 of the Judgment. The said sale instances were from villages Rajur and Sakharwadi. The observations from Paragraph No.15 of the Judgment goes to show that, the said villages are nearby and adjacent to the acquired lands. The case of the Claimants that, no sale instances were available from the village – Ghatghar, it supported by the observations in Paragraph No.15 of the Judgment, wherein, the learned Reference Court noted that, the SLAO considered the sale transaction of nearby village within period of 1961 to 1981, as there was no sale-purchase transaction during the relevant period of village – Ghatghar. Therefore, the consideration of the sale instances below Exhibits – 38, 39 and 40 by the learned Reference Court cannot be faulted. On the basis of these undisputed factual aspects of the matters, no assistance can be drawn by the learned AGP from the said decision in *Vithal Rao and Another Vs. Special Land Acquisition Officer (supra)*.

5. The observations in Paragraph No.14 of the Judgment goes to show that, the learned Reference Court noted the existence of well in the acquired lands and also noted that, the Claimants had taken the crops like Rice, Groundnut, Jawar and Bajara etc. and considered the acquired lands as seasonally irrigated. With the said observations that, there was well in the acquired lands and the cropping pattern, no fault can be found with the learned Reference Court in considering the acquired land as seasonally irrigated land.

6. While considering the said three (03) sale instances, the learned Reference Court found the average rate of the said sale deeds as Rs.4,00,000/- per Hectare for dry lands. The observations in Paragraph No.16 of the Judgment goes to show that, the learned Reference Court considered the well settled principles that, the rate of the irrigated land should be double the rate of the dry land, and noted that, for the irrigated land, the rate should be Rs.8,00,000/- per Hectare. When the learned Reference Court had come to the conclusion that, the rate for the dry lands at the relevant time was Rs.4,00,000/- per Hectare, absolutely no reason or justification is given to enhance the compensation at Rs.2,00,000/- per Hectare, though the acquired lands were held to be semi-irrigated land. Considering the observations of the learned Reference Court from the Judgment, it is clear that, the learned Reference Court has misdirected itself in not determining the enhanced rate of Rs.6,00,000/- per Hectare for the semi-irrigated land. The observation in the Judgment by the learned Reference Court, clearly goes to show that, the Claimants were successful in establishing that, the acquired lands were semi-irrigated and the

market rate at the relevant was Rs.4,00,000/- per Hectare for dry lands and consequently, they were entitled for the compensation of Rs.6,00,000/- per Hectare for the semi-irrigated lands.

7. The operative order of the Judgment by the learned Reference Court goes to show that, the interest is granted from the date of Section 4. This Court in the case of *State of Maharashtra Vs. Kailash Shiva Rangari (supra)* has held that, the interest is to be computed from the date of award under Section 11 of the L. A. Act. Thus, the same part of the Judgment by the learned Reference Court needs modification. According to the learned Advocate for the Claimants, the Claimants belong to the tribe, and are exempted from paying the court fees.

8. In view of the above, I proceed to pass the following order :-

ORDER

- [a] The Appeals filed by the State are partly allowed to the extent of interest.
- [b] The Claimants shall be entitled for the interest from the date of Section 11 award under the L. A. Act and not from the Section 4 notification.
- [c] The Appeals filed by the Claimants are partly allowed to the extent of the enhanced compensation.
- [d] The Claimants shall be entitled for enhanced compensation at Rs.6,00,000/- per Hectare for the semi-irrigated lands, along with statutory benefits.
- [e] The amount of compensation be calculated as per this modified Award. Thereafter, the Claimants are at liberty to withdraw the amount under the compensation along with interest accrued thereon, which is deposited by the State.

- [f] Excess amount, if any after calculation, be refunded to the State.
- [g] The aspect of the Court fees be dealt with as per rules.
- [h] The State is expected to deposit the enhanced compensation, if any, within a period of six (06) months.
- [i] The Record and Proceedings (R & P) be sent back to the learned Reference Court.
- [j] Pending Civil Applications, if any, stand disposed off accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/August-2026