



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

21 FIRST APPEAL NO. 4953 OF 2017

The Maharashtra Krushna Valley Development Corporation
Through Executive Engineer Medium Project And Others
VERSUS
Shivaji Krushna Devkate

**AND
FIRST APPEAL NO. 4955 OF 2017**

The Maharashtra Krushna Valley Development Corporation
Through Executive Engineer Medium Project Osmanabad And Others
VERSUS
Panchakshari Revanayya Swami

.....
Mr. Anil M. Gaikwad, Advocate for Appellant-Acquiring Body
Mr. R.V. Naiknaware, Advocate for Respondents-Claimants
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**CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 16 SEPTEMBER, 2026**

PER COURT :

1. Heard the learned counsel Mr. Anil M. Gaikwad, for the appellant-Acquiring Body and the learned counsel Mr. R.V. Naiknaware, for the respondent-claimants.
2. By these appeals, the appellant-Acquiring Body takes exception to the common impugned Judgment and Award dated 17.06.2013 passed by the learned 2nd Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition References Nos.699 of 2007 and 483 of 2007, whereby the learned Reference Court partly allowed the references under Section 18 of the Land Acquisition Act, 1894 and enhanced the compensation payable to the respective respondent-claimants along with statutory benefits.

3. The lands belonging to the respective respondent-claimants, situated at village Wadgaon (Dev.), Taluka Tuljapur, District Osmanabad, are as under:

Sr.No.	LAR No.	Gat No.	Area Acquired
1	699 of 2007	114	94 R
2	483 of 2007	113	1 H 20 R

4. The aforesaid lands came to be acquired for the purpose of Wadgaon (Dev.) Storage Tank at village Wadgaon (Dev.), Taluka Tuljapur, District Osmanabad. The Notification under Section 4 of the Land Acquisition Act, 1894 was published on 13.04.2000. Thereafter, the Special Land Acquisition Officer passed an Award under Section 11 of the Act on 19.09.2003 and determined the market value of the acquired lands at rates ranging from Rs.31,000/- to Rs.39,000/- per Hectare. Being dissatisfied with the compensation so determined, the claimants accepted the same under protest and sought references under Section 18 of the Act.

5. Upon consideration of the evidence led by the parties, the learned Reference Court enhanced the market value to Rs.1,770/- per R, equivalent to Rs.70,800/- per Acre, for bagayat land and Rs.885/- per R for dry land, along with the statutory benefits.

6. Learned counsel Mr. Anil M. Gaikwad, appearing for the appellant-Acquiring Body, submits that the lands acquired in the present matters form

part of a group of matters arising out of the same acquisition which has already been compromised before the Lok Adalat vide order dated 17.03.2019 passed in First Appeal No.4956 of 2017 (***Maharashtra Krushna Valley Development Corporation through Executive Engineer, Medium Project, Osmanabad v. Pushpa Babasaheb Devkate***) and connected matters. He further submits that the compensation awarded by the learned Reference Court for dry land is within four times of the rate awarded by the Special Land Acquisition Officer, whereas the compensation awarded for bagayat land is only marginally in excess of four times. It is further submitted that the controversy involved in the present appeals is squarely covered by the order 17.03.2019 passed in First Appeal No.4956 of 2017 and connected matters. It is, therefore, submitted that no interference is warranted with the impugned Judgment and Award, except to the extent of the interest awarded by the learned Reference Court.

7. I have considered the submissions advanced by the learned counsel for the appellant-Acquiring Body and the learned counsel for the respondent-claimants and, with their able assistance, have carefully perused the impugned Judgment and Award as well as the material available on record.

8. The record shows that the Special Land Acquisition Officer had determined the market value of the acquired lands at rates ranging from Rs.31,000/- to Rs.39,000/- per Hectare. The learned Reference Court, upon

appreciation of the material before it, enhanced the compensation to Rs.1,770/- per R for bagayat land and Rs.885/- per R for dry land.

9. The rate of Rs.1,770/- per R for bagayat land works out to Rs.1,77,000/- per Hectare. As against the highest rate of Rs.39,000/- per Hectare determined by the Special Land Acquisition Officer, the enhancement for bagayat land is thus slightly more than four times i.e. approximately 4.54 times. The rate of Rs.885/- per R for dry land, on the other hand, is within four times of the rate determined by the Special Land Acquisition Officer. Merely because the rate determined for bagayat land marginally exceeds four times of the highest rate awarded by the Special Land Acquisition Officer, it cannot, in the facts of the present case, be said that the compensation determined by the learned Reference Court is exorbitant or excessive.

10. It is also relevant to note that the lands involved in the present appeals form part of the same acquisition and project and the matters arising from the same group of acquisitions have already been settled before the *Lok Adalat*, including First Appeal No.4956 of 2017, which came to be disposed of vide order dated 17.03.2019. In the facts and circumstances of the present case, I find no sufficient ground to interfere with the market value determined by the learned Reference Court.

11. The Government Resolution No.Sankirna-2014/Prak.Kra.4/Bham-1/A-4 dated 03.11.2016, along with the Corrigenda dated 23.02.2017 and 13.08.2018, indicates the policy of the State Government with regard to challenge to the enhancement of compensation made by the Reference Court up to four times of the compensation determined by the Special Land Acquisition Officer. In the present case, the rate determined for bagayat land marginally exceeds the said benchmark. Therefore, the said Government Resolution cannot, by itself, be treated as determinative of the present appeals. Nevertheless, the aforesaid circumstances, taken together with the fact that the present acquisition forms part of the same project and that the group of connected matters has already been settled, do not warrant interference with the market value determined by the learned Reference Court.

12. However, as regards the grant of interest is concerned, it is noticed that the learned Reference Court has directed payment of interest under Section 34 of the Act from the date of the Notification under Section 4 till the date of the Award. Such direction is contrary to the law laid down by the Full Bench of this Court in *State of Maharashtra v. Kailas Shiva Rangari, 2016 (3) Mh.L.J. 457*. The direction regarding payment of interest, therefore, requires modification to that extent.

13. In view of the aforesaid discussion, the market value determined by the learned Reference Court at the rate of Rs.1,770/- per R, equivalent to

Rs.70,800/- per Acre, for the acquired bagayat lands does not call for interference. However, the direction regarding payment of interest under Section 34 of the Act requires modification. Hence, the following order:

ORDER

- (i) The First Appeals are partly allowed.
- (ii) The common Judgment and Award dated 17.06.2013 passed by the learned 2nd Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition References Nos.699 of 2007 and 483 of 2007, is modified to the extent of interest under Section 34 of the Land Acquisition Act, 1894.
- (iii) The enhancement of compensation granted by the learned Reference Court at the rate of Rs.1,770/- per R, equivalent to Rs.70,800/- per Acre, for the acquired bagayat lands is maintained.
- (iv) The respondent-claimants shall be entitled to all consequential statutory benefits on the enhanced compensation in accordance with the provisions of the Land Acquisition Act, 1894.
- (v) The respondent-claimants shall be entitled to interest under Section 34 of the Act strictly in accordance with the law laid down by the Full Bench of this Court in *State of Maharashtra v. Kailas Shiva Rangari* (supra).

(vi) Save and except the modification made hereinabove, the common Judgment and Award dated 17.06.2013 passed by the learned 2nd Joint Civil Judge, Senior Division, Osmanabad, in L.A.R. Nos.699 of 2007 and 483 of 2007, shall remain unaltered.

(vii) The modified Award be drawn accordingly.

(viii) The respondent-claimants are permitted to withdraw the amount deposited by the appellant-Acquiring Body, if any, in this Court, along with accrued interest thereon, subject to adjustment, if any, necessitated on account of the modification of interest under Section 34 of the Act.

(ix) After payment of the amount to the claimants, if any excess amount remains, the same shall be paid to the acquiring body along with the accrued interest thereon.

(ix) Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane