

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

FIRST APPEAL NO. 750 OF 2020

Shaligram s/o Sampat Bavane
Age : major, Occu. : Agriculture,
R/o. : Dhabha, Taluka Soygaon,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
Minor Irrigation, Division No. 1,
Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4981 OF 2017**

Ukha s/o Gana Rathod
Age : 60 years, Occu. : Agriculture,
R/o. : Devhri/Pimpalwadi, Taluka Soygaon,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
(MID), Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 5209 OF 2017**

Sona Mansing Rathod (died)
Through L.Rs.
Dhanraj Mansing Rathod (died)
Through L.Rs.
1-A) Nababai Dhanraj Rathod
Age : 60 years, Occu. : Agriculture,
1-B) Vikas Dhanraj Rathod
Age : 44 years, Occu. : Agriculture,
1-C) Subhash Dhanraj Rathod
Age : 32 years, Occu. : Agriculture,
1-D) Sangitabai Dhanraj Rathod
Age : 30 years, Occu. : Agriculture,
2) Shankar Dhanraj Rathod (died)
Through L.Rs.
2-A) Narbadabai Shankar Rathod
Age : 55 years, Occu. : Agriculture,
2-B) Sudam Shankar Rathod
Age : 33 years, Occu. : Agriculture,
2-C) Jitendra Shankar Rathod
Age : 30 years, Occu. : Agriculture,
2-D) Akash Shankar Rathod
Age : 22 years, Occu. : Agriculture,
3) Ganesh Sona Rathod
Age : 48 years, Occu. : Agriculture,
4) Chhanobai Sona Rathod
Age : 56 years, Occu. : Agriculture,
All R/o. : Devhari, Taluka Soygaon,
District Aurangabad.

.. Appellants
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4987 OF 2017**

Maharu s/o Puna Chavan (died)

Through L.Rs.

1) Kesarbai Maharu Chavan

Age : 79 years, Occu. : Agriculture,

2) Trambak Maharu Chavan

Age : 62 years, Occu. : Agriculture,

3) Garmak Maharu Chavan

Age : 60 years, Occu. : Agriculture,

4) Tarachand Maharu Chavan

Age : 56 years, Occu. : Agriculture,

5) Rajaram Maharu Chavan

Age : 50 years, Occu. : Agriculture,

6) Vijay Maharu Chavan

Age : 35 years, Occu. : Agriculture,

All R/o. : Devhari, Taluka Soygaon,

District Aurangabad.

.. Appellants
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4982 OF 2017**

Pandurang Ayaji Sawant (died) through L.Rs.

1) Girjabai Pandurang Sawant

2) Sharad Pandurang Sawant

3) Vishwash Pandurang Sawant

All Age : major, Occu. : Agriculture,

All R/o. : Devhari/Pimpalwadi,

Taluka Soygaon,

District Aurangabad.

.. Appellants
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4983 OF 2017**

Gitabai w/o Motiram Pawar
Age : 60 years, Occu. : Agriculture,
R/o. : Devhari/Pimpalwadi, Taluka Soygaon,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4984 OF 2017**

Gulabrao s/o Raoji Jadhav
Age : major, Occu. : Agriculture,
R/o. : Devhri/Pimpalwadi, Taluka Soygaon,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,

(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4985 OF 2017**

Nagraj/Nagram s/o Bhoja Rathod (died)
through L.Rs.

1) Premsing Nagraj/Nagram Rathod
Age : 49 years, Occu. : Agriculture
2) Rohidas Nagraj/Nagram Rathod,
Age : 40 years, Occu. : Agriculture,
Both R/o. : Devhri/Pimpalwadi,
Taluka Soygaon, District Aurangabad.

.. Appellants
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4986 OF 2017**

Supda s/o Shriram Ragad,
Age : 40 years, Occu. : Agriculture,
R/o. : Devhri/Pimpalwadi, Taluka Soygaon,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4988 OF 2017**

Premsing s/o Bhika Rathod
Age : 60 years, Occu. : Agriculture,
R/o. : Devhri/Pimpalwadi, Taluka Soygaon,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 5207 OF 2017**

Bhimrao s/o Waghu Rathod
Age : major, Occu. : Agriculture,
R/o. : Devhri, Taluka Soygaon,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 5208 OF 2017**

1) Ramesh Hari Rathod
2) Chhagan Hari Rathod
Age : major, Occu. : Agriculture,

R/o. : Devhri, Taluka Soygaon,
District Aurangabad.

.. Appellants
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
M.I.Division No. 1, Jalna Road,
Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4980 OF 2017**

Dalu s/o Teja (died) through L.Rs.
Morsing s/o Dala
Age : major, Occu. : Agriculture,
R/o. : Devhri/Pimpalwadi, Taluka Soygaon,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4979 OF 2017**

Indal s/o Gotiram Rathod
Age : major, Occu. : Agriculture,
R/o. : Devhri/Pimpalwadi, Taluka Soygaon,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4978 OF 2017**

Pradhan s/o Dhavaji Jadhav
Age : 65 years, Occu. : Agriculture,
R/o. : Devhri/Pimpalwadi, Taluka Soygaon,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4977 OF 2017**

Meghraj s/o Raoji Jadhav
Age : 55 years, Occu. : Agriculture,
R/o. : Devhri/Pimpalwadi, Taluka Soygaon,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.

3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4965 OF 2017**

Dnyandeo Shahu Jadhav (died) through L.Rs.

1) Chandrabhagabai Dyandeo Jadhav

2) Ananda Dyandeo Jadhav

3) Sidharth Dyandeo Jadhav (died)

Through L.Rs.

3-A) Chhayabai Siddharth Jadhav

3-B) Sarthak Siddhar Jadhav

Age : Minor under guardian

of Applicant No. 3-A

Chhayabai Siddharth Jadhav

4) Rakhabai Dyandeo Jadhav

All Age : major, Occu. : Agriculture,

All R/o. : Devhri/Pimpalwadi, Taluka Soygaon,

District Aurangabad.

.. Appellants
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 4952 OF 2017**

Kamlabai w/o Eknath Shelke

Age : 65 years, Occu. : Agriculture,

R/o. : Devhri/Pimpalwadi, Taluka Soygaon,

District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The Collector, Aurangabad.

2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.

3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 657 OF 2019**

1) Mangu Dhana Rathod
2) Uttam Mangu Rathod s/o Raoji Jadhav
Age : Both major, Occu. : Agriculture,
R/o. : Devhri/Pimpalwadi, Taluka Soygaon,
District Aurangabad.

.. Appellants
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.
3. The Executive Engineer,
Minor Irrigation Division No. 1,
Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 11 OF 2018**

Rajesh s/o Trimbak Kakale
Age : major, Occu. : Agriculture,
R/o. : Devhri, Taluka Soygaon,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The Collector, Aurangabad.
2. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad.

3. The Executive Engineer,
(MID) Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 654 OF 2019**

Dropadabai w/o Ramnath Bhawale
Age : 47 years, Occu. : Agriculture,
R/o. : Adgaon Jawale, Taluka Paithan,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The State of Maharashtra, through
Special Land Acquisition Officer,
Sub Divisional Officer, Paithan-Fulambri,
Opp. S. T. workshop, Mukundwadi,
Aurangabad.
2. The Executive Engineer,
Minor Irrigation Division,
Local Sector, Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 655 OF 2019**

Padmabai w/o Asaram Tagad
Age : 48 years, Occu. : Agriculture,
R/o. : Adgaon Jawale, Taluka Paithan,
District Aurangabad.

.. Appellant
(Original Claimant)

Versus

1. The State of Maharashtra, through
Special Land Acquisition Officer,
Sub Divisional Officer, Paithan-Fulambri,
Opp. S. T. workshop, Mukundwadi,
Aurangabad.

2. The Executive Engineer,
Minor Irrigation Division,
Local Sector, Aurangabad.

.. Respondents
(Original Respondents)

**WITH
FIRST APPEAL NO. 656 OF 2019**

1. Sainath s/o Asaram Tagad
Age : 30 years, Occu. : Agriculture
2. Chandrabhan @ Chandrakant
s/o Asaram Tagad, Age : 28 years,
Occu. : Agriculture,
Both R/o. : Adgaon Jawale, Taluka Paithan,
District Aurangabad.

.. Appellants
(Original Claimant)

Versus

1. The State of Maharashtra, through
Special Land Acquisition Officer,
Sub Divisional Officer, Paithan-Fulambri,
Opp. S. T. workshop, Mukundwadi,
Aurangabad.
2. The Executive Engineer,
Minor Irrigation Division,
Local Sector, Aurangabad.

.. Respondents
(Original Respondents)

Mr. D. A. Bide & Mr. Vitthal B. Wayal, Advocate for the Appellants in all matters.

Mr. S. B. Pulkundwar, AGP for Respondent Nos. 1 and 2 in all matters.

Smt. S. G. Chincholkar, Advocate for Respondent No. 3 in all matters.

CORAM : KISHORE C. SANT, J.

Date on which reserved for order : 05th September, 2023.

Date on which order pronounced : 07th November, 2023.

ORDER :-

. All these appeals are arising out of respective references. The claimants have approached this Court challenging the judgment and award passed by the learned 4th Joint Civil Judge Senior Division, Aurangabad dated 20.12.2012 to the extent of not allowing the references of the claimants in its entirety. The facts relevant in short are as below :

2. All these appellants/claimants are from villages Devhri, Dhaba, Pimpalwadi, Taluka- Soygaon, District – Aurangabad. The Special Land Acquisition Officer (for short “SLAO”) issued notification for acquisition of the land. Notice under Section 4 of the Land Acquisition Act was published on 25.02.2000 and final award was passed on 16.02.2002. After following the procedure the lands were acquired and awards came to be passed. The claimants accepted the amount under protest and preferred references under Section 18 of the Land Acquisition Act. The references were resisted by the learned SLAO and the Government justifying the award.

3. The learned Reference Court clubbed all the matters and passed common judgment and award. It is the case of all the claimants that they are not paid adequate compensation as per the market value. It is the case of the claimants that the learned SLAO has passed an award

considering the rates given in the ready reckoner without considering the sale instance in respect of the land in the vicinity. They relied upon a sale deed dated 27.07.1998 in respect of the land Gat No. 12 where land of 20 R was sold by one Shaligram to one Vishnu for consideration of Rs. 45,000/-. If this instance is considered that the value of the land per hectare would be Rs. 2,25,000/- considering that the notification is under Section 4 of the Land Acquisition Act is of the year 2000 and the said instance is of 1998. The value should be Rs. 2,72,250/- per hectare by considering 10% increase per year in the value of the land. It is further case of the claimants that the learned SLAO has also not considered that there were fruit bearing trees standing in the land. Though the measurement and survey was carried out still there is no mention of the trees in the said measurement and survey. The evidence of Shaligram was also recorded in one of the LAR No. 36/2005. One expert Dr. Patil was also examined about the valuation of the fruit bearing trees. Certified copies of the communication between Sub Divisional Horticulture Officer and SLAO were also produced on record. The claimants relied upon the judgment in the case of the Special Land Acquisition Officer, Jalgaon Vs. Chindha Fakira Patil (D) Through L.Rs. reported in (2012) AIR (SCW) 270 in support of their case. The Hon'ble Apex Court has laid down the guidelines about the experts valuation report.

4. It was the case of the learned SLAO that the sale deed dated 27.07.1998 cannot be applied for determining the valuation. The said piece of land was only of 20 R's whereas the land of the claimants acquired is in hectares. The sale deed cannot be used to compare the value of the lands acquired.

5. The learned SLAO had granted compensation at the rate of Rs. 400, Rs. 450 and Rs. 830 per R. The learned Reference Court enhanced the said amount at Rs. 600 per R where the rate was granted at Rs. 400 and 450. So far as the amount of Rs. 830, the claim petitions came to be dismissed. The learned Reference Court held that the valuation determined by the learned SLAO was inadequate and allowed the references as per the chart below and enhanced the amount of the award.

Sr. No.	F. A. No.	LAR No.	Gut No.	Area in H & R	Nature of land	Remark	Rates granted by SLAO per R	Rates mentioned in Sale Deed	Rates Granted by Reference Court per R
1	750/20	36/05	11 12 64	03.06 00.77 01.15	Irrigated by well	Award 7/12	Rs. 450/-	Rs. 2,225/- Per R	Rs. 600/-
2	4952/17	53/05	11 12	00.40 00.40	Dry	--	Rs. 450/-	Rs. 2,225/- Per R	Rs. 600/-
3	4965/17	43/05	06	00.40	Dry	--	Rs. 400/-	Rs. 2,225/- Per R	Rs. 600/-
4	4977/17	37/05	63	00.81	Irrigated by well	Award 7/12	Rs. 450/-	Rs. 2,225/- Per R	Rs. 600/-
5	4978/17	228/05	67	03.26 00.12	Irrigated by well	Award 7/12	Rs. 450/-	Rs. 2,225/- Per R	Rs. 600/-

6	4979/17	41/05	13	01.09	Dry	--	Rs. 400/-	Rs. 2,225/- Per R	Rs. 600/-
7	4980/17	35/05	13	00.64	Dry	--	Rs. 400/-	Rs. 2,225/- Per R	Rs. 600/-
8	4981/17	696/05	65	04.60	Irrigated by well	Award 7/12	Rs. 450/-	Rs. 2,225/- Per R	Rs. 600/-
9	4982/17	227/05	07	00.91	Dry	--	Rs. 400/-	Rs. 2,225/- Per R	Rs. 600/-
10	4983/17	42/05	11 12	00.53 00.35	Dry	--	Rs. 450/-	Rs. 2,225/- Per R	Rs. 600/-
11	4984/17	34/05	63	00.40	Dry	--	Rs. 450/-	Rs. 2,225/- Per R	Rs. 600/-
12	4985/17	54/05	69	01.20	Irrigated by well	Award 7/12	Rs. 450/-	Rs. 2,225/- Per R	Rs. 600/-
13	4986/17	39/05	11 12	00.92 00.44	Dry	--	Rs. 450/-	Rs. 2,225/- Per R	Rs. 600/-
14	4987/17	56/05	13	01.40	Irrigated by well	Award 7/12	Rs. 400/-	Rs. 2,225/- Per R	Rs. 600/-
15	4988/17	55/05	65	00.60	Dry	--	Rs. 450/-	Rs. 2,225/- Per R	Rs. 600/-
16	5207/17	40/05	15	00.89	Irrigated	Award	Rs. 830/-	Rs. 2,225/- Per R	Dismissed
17	5208/17	38/05	17	02.50	Irrigated	Award	Rs. 830/-	Rs. 2,225/- Per R	Dismissed
18	5206/17	51/05	18	01.13	Dry	--	Rs. 830/-	Rs. 2,225/- Per R	Dismissed
19	11/18	684/05	15	00.40	Dry	--	Rs. 830/-	Rs. 2,225/- Per R	Dismissed
20	657/19	226/05	66	01.40	Dry	--	Rs. 450/-	Rs. 2,225/- Per R	Rs. 600/-

6. Learned advocate for the claimants – appellants record the chart of the award showing the lands acquired and amount granted by learned SLAO in the award. The rate awarded by the learned Reference Court. It is further submitted that subsequent to award in the present matters there was one more award No. 252/2012 dated 25.02.2008 was passed for acquisition of the land for the same project

wherein the learned SLAO has taken the said sale instance of 27.07.1998 for the purpose of determining the market value and accepted the said rates. The claimants therein had filed reference in the Court of Civil Judge Senior Division (C.J.S.D.), Aurangabad. The learned C.J.S.D., Aurangabad allowed the reference in LAR No. 253/2012 and granted enhanced compensation at the rate of Rs. 3325 per R for the land with other benefits. Learned advocate thus placed reliance on the judgment dated 13.02.2020. In the said LAR he has also produced on record communication dated 19.10.2020 wherein learned SDO communicated to the Executive Engineer Minor Irrigation Division No. 1, Aurangabad that he has received opinion from the legal adviser that it was not a fit case to file an appeal. Learned advocate thus submits that when the respondents have acquiesced the award in LAR No. 253/2012 given by the Court it is necessary to accept the said even in the present case. He relied upon the copy of Government Resolution dated 31.10.1994 wherein, the Government has taken a decision to consider the rate of the land as per ready reckoner and the sale instances whichever is more beneficial to the land owner should be considered while passing the award. Clause 3 specifically states that the rate/value be granted which is more beneficial to the claimant by considering the ready reckoner and the sale instances. Learned advocate thus submits that when this was the policy of the

Government, still in the present cases the sale instance was not considered. He submits that the learned Reference Court thus should have modified the award considering the rate of the land at the rate of Rs. 2,250/- per R in 1998 and ought to have considered 10% rise per year for two years i.e. at the rate of Rs. 2700/- per R. He relied upon the following judgments.

- (i) Krishi Utpadan Mandi Samiti Sahaswan District Badaun Through its Secretary Vs. Bipin Kumar and another reported in (2004) 2 SCC 283.
- (ii) Bayaji Tatya Kalunge Vs. State of Maharashtra reported in 2007 (2) ALL MR 316.
- (iii) Chindha Fakira Patil (D) Through L.Rs. Vs. The Special Land Acquisition Officer, Jalgaon reported in (2012) AIR (SCW) 270.
- (iv) State of Maharashtra & Anr. Vs. Gopikisan Hemraj Biyani & Ors. reported in 2013 (5) ALL MR 793.
- (v) Rajesh Valel Puthuvalil Vs. Inland Waterway Authority of India reported in (2014) AIR (SCW) 4215.
- (vi) Vidarbha Irrigation Development Vs. Smt. Leelabai Laxman Neulkar and others reported in (2021) 1 AIRBomR 696.
- (vii) Bhupendra Ramdhan Pawar Vs. Vidarbha Irrigation Development Corporation, Nagpur and Ors. reported in 2021 AIR (SC) 4393.

7. Learned advocate Smt. Chincholkar submitted that, about the

fruit bearing trees the learned Reference Court has rightly rejected the claim as there was no sufficient evidence. There is two months gap between sale deed and taking possession of the land. There is every reason to believe that because of the knowledge of acquisition the sale instance is prepared and for this reason the said instance cannot be relied upon. The total area is of 34 Acres i.e. much larger area and for this reason the said instance cannot be considered. At last he submitted that, if at all claimants are held to be entitled to enhancement they should not be held entitled to the interest for the period of delay caused in filing first appeals.

8. In rebuttal learned advocate for the appellants relied upon the judgment in the case of Pandhari Dhondiba Nukulwad Vs. State of Maharashtra and ors. reported in 2020 LAC 269 (Bom).

9. Thus, in this background we need to consider the present appeals.

10. In the case of Krishi Utpadan Mandi Samiti (supra), the Hon'ble Apex Court has considered that where the evidence is given in respect of high potentiality the increase of 15% per year in the value of the land can be said to be reasonable. In that case the High Court has taken 15% increase in the value of the land. The said was challenged

before the Hon'ble Apex Court.

11. In the case of Bayaji Tatya Kalunge (supra), this Court had considered that where the judgment is passed by competent Court in similar matter the Reference Court need not consider the sale instances and should rely upon the said award. In that case, in one of the matters, one appeal was filed against the order passed by the Reference Court. It was therein held that the said judgment should be accepted even in other cases.

12. Thus, it is clear that the increase of the land value of 10% per year needs to be taken as reasonable value of the land. Further when already there is a judgment in respect of the similar lands the same needs to be accepted. In this case there is one more reason to accept the judgment in LAR No. 253/2012 by the Reference Court as it is clear from the communication dated 19.10.2020 that the Government has acquiesced to the said award and the same also needs to be accepted in the present case. Thus, considering all these this Court finds that, all these appeals need to be allowed. Though it is argued by the learned advocate that there is only two months gap from the date of sale instance from taking of the possession he has not accepted for the reason that the sale instance is considered while passing the award in the year 2008 in the reference No. 253/2012. The Government has

also acquiesced to the award by Reference Court. In that view this Court finds that, the present references needs to be allowed and the same are hereby allowed as indicated above.

13. The first appeals stand disposed off accordingly.

(KISHORE C. SANT, J.)

P.S.B.