



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

104 FIRST APPEAL NO. 159 OF 2024
WITH
FIRST APPEAL NO. 161 OF 2024
WITH
FIRST APPEAL NO. 160 OF 2024

MANIK BHUJA @ BHUJANGRAO CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Appellant : Mr. Chavan Sudhir K.
AGP for Respondents/State : Ms.M.N.Ghanekar
...

CORAM : KISHORE C. SANT, J.

DATE : 10.10.2024.

PER COURT :

1. Heard. The appeals are taken for final disposal at the stage of admission,
2. The only point pressed into service by the appellants is that while considering the sale instances the learned Reference Court has rightly considered the same and applied the rate as it is held by the Hon'ble Court that the sale deeds of

highest amount shall be considered while considering the rate per R while granting the compensation.

3. He submits that the appellant relied upon the sale instance dated 29.02.2008 Exh. 25 in LAR No. 2 of 2014 in respect of land situated at village Hadgaon (Bk.), Tq. Pathari, District Parbhani. The said land is rightly accepted which is adjacent to the land acquired. The consideration for the land was .80 R for Rs. 2,50,000/- i.e. Rs. 3,125/- per R. The Court therefore, granted the rate of Rs. 3,200/- per R by round figure.

4. Now the submission is that the notification under Section 4 was issued on 05.02.2009 in respect of the present appellants. Considering the sale instance is of one year prior to the notification he submits that at least 10% hike should have been considered in the rate. If 10% high is considered, then the rate ought to have been considered 10% hike. The reference Court ought to have granted the compensation @ Rs. 3437/- per R. He thus, prays for allowing appeals to that extent.

5. Learned AGP Ms. Ghanekar for the Respondents

State opposes the appeals. She submits that the lands on which the sale deeds are considered are admittedly from different village and still the Court applied said rate. The Court has rightly granted rate by considering the sale instances. There was no grounds made out for grant of more compensation.

6. Heard the parties.

7. After hearing the submissions, this Court has only to consider as to whether the appellants are entitled to get the rate by considering high @ of 10% p.a.

8. Learned Advocate for the appellant relied upon the judgment reported in **2012 (4) ALL MR 470 in the case of Mehrawal Khewaji Trust (Regd.) Faridkot and others vs. State of Punjab and others**. The Hon'ble Apex Court in the said case has considered various judgments and held that in case the acquired land is urban or semi urban, there shall be increase to the tune of 10% to 15% p.a. and if the said land is rural then the increase should be of 5% to 7% p.a. The further judgment is in the case of **Union of India Vs. Harpat Singh, 2011 (7) RCR**

(Civil) 138 and held that rule of 10% increase p.a. be applied.

9. Considering the above, this Court finds that in the present appeal also compensation be awarded @ Rs. 3437/- per R. The amount awarded is modified only to that extent.

10. Needless to state that all benefits would be given considering the rate of Rs. 3437/- per R.

11. Thus, fresh award be drawn up accordingly.

12. The appeals are partly allowed and disposed off.

(KISHORE C. SANT)
JUDGE

mahajansb/