



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

FIRST APPEAL NO. 3028 OF 2022

Ashok Nivrati Sabde

Age: 57 years, Occu.: Agril.,

R/o. Janwal, Tq.Chakur,

Dist. Latur.

..Appellant

(Ori. Claimant)

Versus

1. The State of Maharashtra
Through The Collector, Dist.Latur.

2. The Executive Engineer,
Local Sector, Latur,
Dist.Latur.

3. Special Land Acquisition Officer,
Swarna Project, Latur.

..Respondents

(Ori. Respondents)

...

Advocate for Appellant : Mr. S.S. Halkude

AGP for Respondent nos.1 & 3 : Mr.D.R.Korade

....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 30 SEPTEMBER, 2025

PRONOUNCED ON : 03 SEPTEMBER, 2025

JUDGMENT :-

1. By consent, heard finally at admission stage.

2. Being aggrieved by the judgment and award dated 27-09-2011

passed by the learned Ad-hoc District Judge -1, Latur in L.A.R. No.

857 of 2009, the original claimant in the said L.A.R. has preferred this appeal to the extent of quantum of compensation as awarded by the Reference court at the enhanced rate.

3. Brief facts giving rise to the present appeal is as follows:-

a) The State of Maharashtra has acquired the lands owned and possessed by the appellant claimant situated at village Janwal, Tq. Chakur, District Latur, for the purpose of construction of Janwal percolation tank No. 16. Section 4 Notification was published on 16-11-2006. The Special Land Acquisition Officer (S.L.A.O.) has granted compensation at the rate of Rs.1,178/- per R. Being dissatisfied with the inadequate compensation awarded by the S.L.A.O., the appellant claimant preferred aforesaid reference petition. It has been contended in that reference petition that village Janwal is having population 15000 and the said village is situated on Gharni-Vadval-Janwal road and the same is at a distance of 10 kilometers from Taluka Place Chakur. There are facilities such as school up to 12th standard, electricity, post office, telephone, water supply, STB etc. There is broad gauge railway station, Hyderabad to Parali

via Janval and the main market is at Chakur. Furthermore, the said village is under the command area of Jai Jawan Jai Kisan Sugar Factory. It has also been contended that the acquired lands were fertile and black cotton soil and the claimants were taking double crops every year. However, the S.L.A.O. has not considered the same and awarded very meager amount of compensation.

b) The respondents have strongly resisted that reference petition by filing written statement. It has been contended that, the S.L.A.O., after visiting the acquired land and considering the existing situation, has awarded just and reasonable compensation.

c) The appellant claimant has adduced evidence in L.A.R. No. 857 of 2009 and also relied upon the sale deed dated 28-04-2003 Exh.14 from the same village, alongwith the 7x12 extract at Exh. 15 respectively. The learned Ad-hoc District Judge-1, Latur by its impugned judgment and award dated 27-09-2011 partly allowed the aforesaid reference petition and awarded the compensation to the appellant claimant at the

enhanced rate of Rs.3,750/- per R. Being aggrieved by the compensation as awarded the enhanced rate by the reference court, the original claimant has preferred this appeal.

4. Learned counsel for the appellant submits that as per the contents of sale deed Exh.14 out of Gat No.3, land admeasuring 80 R was sold for consideration of Rs.4,00,000/- on 28-04-2003. The lands under sale instance Exh.14 is also from the same village Janwal, Tq. Chakur, where the acquired land is situated. Learned counsel submits that the reference court, though rightly placed reliance on the sale instance Exh.14, has failed to add 10% of consideration amount in the total consideration for every year. The said sale deed Exh.14 was executed on 28-04-2003 whereas the Section 4 Notification in respect of acquired land was published on 16-11-2006. The reference court has even reduced the consideration amount of the said sale instance Exh.14 alone on the ground that the land under sale instance is situated adjacent to the road, leading to railway station. Learned counsel submits that on careful perusal of the contents of sale instance Exh.14, it appears that in the four boundaries of the land sold, towards western side one cart road is shown leading towards railway station. The reference court has not made any addition year

wise in consideration amount though there is considerable gap between the date of sale instance and section 4 Notification published in respect of the acquired land, and reduced the amount considerably and awarded very meager amount of compensation at the enhanced rate.

5. The learned A.G.P for the respondents-State submits that though the sale instance Exh.14 is of the land situated at village Janwal, the land acquired is away from the said land. P.W.1 has also admitted in his cross examination that, towards western side of the land under sale instance, the road leading towards railway station is situated, Learned A.G.P submits that considering the said fact, reference court has rightly reduced the consideration amount of the said sale instance and determined the market price of the land. Learned A.G.P submits that there is no substance in the appeal and the appeal is liable to be dismissed.

6. On careful perusal of evidence and the judgment and award passed by the reference court, it appears that the reference court has placed reliance on the sale deed Exh.14. On careful perusal of the contents of sale deed Exh.14, it appears that the land admeasuring

80 R, out of the land at Gat No. 3, situated at village Janwal itself, sold for total consideration of Rs.4,00,000/- on 28-04-2003 i.e. three and half years prior to issuance of Section 4 Notification in respect of acquired land. It further appears from the contents of the sale instance Exh.14 that only one cart road is shown towards western side of the land under sale instance leading towards the railway station. It is not the case that the said road is tar road and as such land under sale instance would have fetched more price than the market price. The reference court should have added 10% per year in consideration amount of sale instance Exh.14 after taking into account the considerable gap between the date of sale instance and section 4 Notification published in respect of acquired lands. If such 10% addition per year is made, the market price on the publication of Section 4 Notification in respect of acquired land, the amount comes to Rs.6,750/- per R. It appears from the impugned judgment and award that the reference court has awarded compensation at the enhanced rate of Rs.3,750/- per R. by reducing considerable market price as reflected from sale instance Exh.14 after addition of 10% on yearly basis. It appears that reference court has reduced the said consideration amount to the extent of 50% only for the reason that the land under sale instance is situated by the side of road, which is

leading towards railway station. It would be just and proper, if the amount is reduced to the extent of 30% by considering the fact that the land under sale instance is situated by the side of the cart road which is leading to the railway station. It would be thus just and reasonable if the compensation is awarded at the enhanced rate of Rs.4,700/- per R instead of Rs.3,750/- per R as awarded by the reference court.

7. In view of the above discussion, the judgment and award passed by the reference court requires modification. Hence, I proceed to pass the following order:

ORDER

I. First Appeal No.3028 of 2022 is hereby partly allowed.

II. The judgment and award dated 27-09-2011 passed by the learned Ad-hoc District Judge-1, Latur in L.A.R. No. 857 of 2009, to the extent of the present appellant/claimant is hereby modified in the following manner:-

"The Reference Petition No.857 of 2009 is hereby partly allowed with proportionate costs and claimant is entitled for the compensation at the enhanced rate of Rs.4,700/- per R corresponds to Rs.1,88,000/- per acre, with all statutory benefits as awarded by the reference Court. However, the appellant-claimant is not entitled for the amount of interest for the period of which the delay has been condoned by this court, as per the order passed by this court on 23-09-2022 while condoning the delay in preferring the appeal."

- III. Rest of the judgment and award stands confirmed.
- IV. Award be drawn up as per the above modification.
- V. First Appeal is accordingly disposed of.

(ABHAY S. WAGHWASE)
JUDGE