



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

FIRST APPEAL NO. 236 OF 2007

Satish S/o Suryakant Debadwar,
Age-30 years, Occu-Agriculture,
R/o Koloor Tq. Udgir, Dist. Latur

.....APPELLANT
(Claimant)

VERSUS

1. The State of Maharashtra
Through its District Collector, Latur
2. The Executive Engineer,
Minor Irrigation Project,
Division Latur.

.....RESPONDENTS

WITH

FIRST APPEAL NO. 496 OF 2007

Suryakant S/o Ramchandra Debadwar,
Age-55 years, Occu-Agriculture,
R/o Koloor Tq. Udgir, Dist. Latur.

.....APPELLANT
(Claimant)

VERSUS

1. The State of Maharashtra
Through its District Collector, Latur
2. The Executive Engineer,
Minor Irrigation Project,
Division Latur.

.....RESPONDENTS

Mr. A. S. Deshpande, Advocate for the appellant
Mr. Virendra V. Jahagirdar, AGP for the respondent-State

CORAM : SANJAY A. DESHMUKH, J.
DATED : 08th DECEMBER, 2025

JUDGMENT :-

1. These appeals are preferred against the common judgments and awards passed in Land Acquisition Reference No.3104 of 2001 and 3108 of 2001, dated 20.10.2006, delivered by the learned Reference Court, Ahmedpur, Dist.Latur.
2. Agricultural land bearing survey no.54, admeasuring 29R situated at village Kolnoor, Tahsil Udgir, District Latur was acquired for the construction of a percolation dam. Likewise, land bearing survey no.53A admeasuring 2H, 29R, situated at village Kolnoor, Tahsil Udgir, District Latur was also acquired for the same purpose.
3. The Land Acquisition Officer passed an award on 18.10.1997 and the reference was filed on 30.07.1999. The Land Acquisition Officer had awarded compensation @Rs.355 per Are for the acquired lands of the claimants. The learned Reference Court enhanced the amount of compensation from Rs.355/- to Rs.800/- per Are.
4. Learned Advocate Mr. A. S. Deshpande appearing for the appellant in both the appeals has drawn the attention of this Court to the sale deed dated 22.04.1993, marked as Exhibit 17, whereby agricultural land bearing Gat no.14, admeasuring 33R, situated in the same village, was sold for Rs.40,000/-. Learned Advocate for the appellant submitted that the learned Reference Court, without

assigning cogent or reasonable reasons, The learned Reference Court discarded the said sale instance and, on its own, arrived at the conclusion and awarded compensation @Rs.800/- per Are for the acquired lands of the claimants. He submitted that applying a 10% increase while calculating the compensation amount is justified. He prayed to enhance the amount of compensation. He further pointed out that the well situated in survey no.53A alongwith dry rubble masonry was not considered either by the Land Acquisition Officer or by the learned Reference Court while awarding the compensation to the claimants. He submitted that the impugned judgment is illegal, incorrect and require interference.

5. Learned AGP Mr. Virendra V. Jahagirdar appearing for the respondent-State strongly opposed the appeals and submitted that a reasonable amount of compensation has been awarded by the learned Reference Court. He contended that no interference is warranted, as the enhancement of compensation to Rs.800/- per Are for the acquired lands of the claimants is supported by plausible reasons.

6. Upon perusal of the Record and Proceedings, particularly the sale deed at Exhibit 17, which pertains to a sale instance from the same village and was executed one year prior to the acquisition proceedings, it appears to be a reliable sale instance. However, the learned Reference Court had disbelieved it only by holding that the

land in the sale instance is 600 meters away from the acquired land of the claimants. Except for that, there is no any other reason to disbelieve the sale instance at Exhibit 17. The reasons and findings of the learned Reference Court as to the sale instance at Exhibit 17 are not sustainable.

7. As per the sale instance, the value of the land per Are is Rs.1212/-. It would be proper to 10% increase to this rate. Upon such enhancement, the value comes to Rs.1333/- per Are, which the claimants would be entitled to receive as compensation, which would be just and the proper market value of the acquired lands of the claimants.

8. As far as the compensation for the well situated in the survey no.53A and for dry rubble masonry is concerned, there is an abstract of the valuation drawn by the Sub Divisional Officer, Sub Division, Udgir at page no.35 of the award. However, the Land Acquisition Officer as well as the learned Reference Court did not consider that evidence which was drawn up by the authority during the drawing of the award. The decision of the Land Acquisition Officer, as well as that of the learned Reference Court, is silent about awarding compensation to the claimants as per the abstract of the valuation drawn by the Sub Divisional Officer. As stated in the said abstract, the claimants are entitled to compensation amounting to

Rs.39,664/- and Rs.3,527/- for the well and dry rubble masonry in survey no.53A, totaling Rs.43,191/- alongwith all statutory benefits. If all the aspects are considered together, these appeals deserve to be allowed. Impugned judgments and awards deserve to be partly set aside. Hence, the following order:

ORDER

- a. First Appeals are partly allowed.
- b. Impugned judgments and awards are partly set aside and modified as under:-
- c. The claimants in both the appeals are entitled to compensation @Rs.1333/- per Are for their acquired land alongwith statutory benefits like interest etc.
- d. Claimant/appellant in First Appeal No.496 of 2007 is entitled to compensation of Rs.43,191/- for the well and dry rubble masonry alongwith statutory benefits like interest etc.
- e. Respondent no.2 is directed to deposit the enhanced amount in this Court within 12 weeks.
- f. If the court fees is not paid for the said amount, on payment of the Court fees the amount of compensation shall be paid to the claimant.
- g. Civil Applications, if any, stand disposed of.
- h. Award be drawn up.

(SANJAY A. DESHMUKH, J.)