



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

FIRST APPEAL NO. 105 OF 1994

Bhima Sundarbalhau Surawase.
Age: 45 years Occu: Agril.,
R/o Pargaon (Jogeshwari),
Tq. Asti, Dist. Beed.

.....APPELLANT
(Orig. Claimant)

VERSUS

The State Of Maharashtra.
Through Collector, Beed.

.....RESPONDENT

**WITH
FIRST APPEAL NO. 110 OF 1994**

Nabaji Yeshwant Koradkar
Since Deceased Thr L.Rs.

1. Ankush S/o Nabaji Koradkar
Age-54 years, Occu- Agri
R/o Pargaon Jogeshwari,
Tq. Ashti Dist. Beed.
2. Bapu S/o nabaji Koradkar
Age-58 years, Occu-Agri
R/o Pargaon Jogeshwari,
Tq. Ashti Dist. Beed.
3. Kusum @ Bai Baban Devkate
Age-56 years, Occu-Agri
R/o Pargaon Jogeshwari,
Tq. Ashti Dist. Beed.
4. Kesharbai Shivaji Karande
Age-52 years, Occu-Household
R/o Pargaon Jogeshwari,
Tq. Ashti Dist. Beed.

5. Babasaheb Nabaji Koradkar
Age-50 years, Occu- Agri
R/o Pargaon Jogeshwari,
Tq. Ashti Dist. Beed.
6. Dilip S/o Nabaji Koradkar
Age-48 years, Occu-Agri
R/o Pargaon Jogeshwari,
Tq. Ashti Dist. Beed.
7. Changunabai Nabaji Karande
Age-80 years, Occu-Household
R/o Pargaon Jogeshwari,
Tq. Ashti Dist. Beed.

.....APPELLANT

VERSUS

The State Of Maharashtra.
Through Collector, Beed.

.....RESPONDENT

**WITH
FIRST APPEAL NO. 113 OF 1994**

1. Bapu Babu Bale,
Age: 45 years, Occu: Agril.
R/o Pargaon Jogeshwari,
Tq. Ashti Dist. Beed.
2. Balu s/o Bapu Bale,
Age: 40 years, Occu: Agril.
R/o Pargaon Jogeshwari,
Tq. Ashti Dist. Beed.

.....APPELLANTS
(Orig. Claimants)

VERSUS

The State Of Maharashtra.
Through Collector, Beed.

.....RESPONDENT

**WITH
FIRST APPEAL NO. 115 OF 1994**

1. Ankush s/o nabaji Koradkar,
Age: 50 years, Occu: Agril.
R/o Pargaon Jogeshwari,
Tq. Ashti Dist. Beed.
2. Bapu s/o Nabaji Koradkar,
Age: 48 years, Occu: Agril.
R/o Pargaon Jogeshwari,
Tq. Ashti Dist. Beed.

.....APPELLANTS
(Orig. Claimants)

VERSUS

The State Of Maharashtra.
Through Collector, Beed.

.....RESPONDENT

**WITH
FIRST APPEAL NO. 116 OF 1994**

Baliram s/o Maruti Anuse,
Age: 35 years Occu: Agril.,
R/o Pargaon Jogeshwari,
Tq. Ashti Dist. Beed.

.....APPELLANT
(Orig. Claimant)

VERSUS

The State Of Maharashtra.
Through Collector, Beed.

.....RESPONDENT

Mr. R. J. Nirmal, Advocate for Appellants in respective appeals.
Mr. Virendra V. Jahagirdar, AGP for Respondent-State in respective
appeals.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 02nd DECEMBER, 2025

JUDGMENT :-

1. These appeals are preferred against the common judgments and awards passed in Land Acquisition Reference Nos.273 of 1988, 276 of 1988, 272 of 1988, 274 of 1988 and 163 of 1988, dated 25.04.1989 by the learned land Reference Court at Beed. The claim of the claimants was partly allowed by the learned Reference Court.

2. According to the claimants, a reasonable amount of compensation was not awarded as per the market value of their acquired lands, therefore, they prayed for enhancement of compensation in these appeals.

3. During the argument, the learned Advocate Mr. G. K. Thigle for the appellant pointed out the impugned judgment, particularly paragraph no.17, in which the sale instances are stated in tabular form, which reads as follows:

Sr. No.	Sale Instance	Date	Survey No.	Area sold H.R.	Area Irrigated or dry	Price	Rate per Acre	Village
1	Sale Deed	21-01-83	225/3/A	0-11	Irrigated with well water	Rs. 9000/-	Rs. 818/-	Pargaon Jogeshwari
2	Sale Deed	17-09-84	225/3/A	0-05	Irrigated with well water	4000/-	800/-	Pargaon Jogeshwari
3	Sale Deed	24-06-85	224/A/3	0-06	Irrigated with well water	4000/-	666/-	Pargaon Jogeshwari

4. Learned Advocate for the appellants pointed out that the sale instance of 21.01.1983 executed prior to the acquisition of the lands of these claimants. The said sale instance shows that Rs.818/- per Are was the price of the irrigated land. He submitted that even if it is assumed that the lands of the claimants/appellants are non irrigated lands, half of the rate i.e. Rs.409/- per Are can be awarded as compensation for the acquired agricultural lands of the appellants. He relied upon the judgment of *Manohar and Others Vs. The State of Maharashtra and Others*, reported in *2025 INSC 900*, in which it is held that the sale instance of the highest rate must be considered and relied upon.

5. Learned AGP Mr. Virendra V. Jahagirdar for the respondent-State strongly opposed the appeals and submitted that a reasonable amount of compensation was awarded by the learned Reference Court. The reasons and findings of the learned Reference Court are legal and correct. It has considered all the sale instances in their proper perspective and awarded a reasonable amount of compensation to the claimants. He submitted to dismiss the appeals.

6. Perused the Record and Proceedings, particularly the three sale instances. The first sale instance of the agricultural land dated 21.01.1983 shows that the 11R land having an irrigation facility through a well was sold for Rs.9000/- i.e. Rs.818 per Are of the

village Pargaon Jogeshwari. The lands of the claimants situated at Borgaon Jogeshwari, District Beed are admittedly acquired for the construction of a percolation tank at Pargaon. Considering the other two sale instances, the sale instance dated 21.01.1983 is at a higher rate as pointed out by the learned Advocate for the appellants with reference to the case of *Manohar* supra.

7. Considering the entire facts and circumstances of these appeals, this Court is of the view that the reasons and findings given by the learned Reference Court are not legal and correct. It requires interference as it fails to award a reasonable market price for the acquired lands of the appellants/claimants in view of the sale instance dated 21.01.1983. The claimants' appeals therefore deserve to be allowed by partly setting aside the impugned judgments and awards. Hence, the following order:

ORDER

- a. First Appeals are allowed.
- b. The impugned judgments and awards is partly set aside and modified as under.
- c. The claimants are entitled to compensation @ Rs.409/- per R for their acquired lands respectively alongwith interest accrued thereon and other benefits including statutory benefits as provided under Section 23(1A), 23(2) and Section 28 of the Land Acquisition Act.

- d. If Court fees is not paid, after receipt of the Court fees, the Registry shall pay the enhanced amount of compensation to the claimants.
- e. The Respondent/Acquiring Authority is directed to deposit the enhanced amount of compensation within 12 weeks in this Court.
- f. Civil Applications, if any, stand disposed of.
- g. Record and Proceedings be sent back.

(SANJAY A. DESHMUKH, J.)