



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 FIRST APPEAL NO. 351 OF 2008

Raosaheb Hanmantrao Patil
Age 47 years, Occ. Agriculture
R/o. Hippersoga,
Tq. and District Latur

...Appellant
(Ori. Claimant)

Versus

The State of Maharashtra
Through Collector, Latur

...Respondent
(Ori. Respondent)

...
AND

FIRST APPEAL NO. 352 OF 2008

Anant s/o Ganesh Deshpande
Age 50 years, Occ. Agriculture
R/o. Hippersoga,
Tq. and District Latur

...Appellant
(Ori. Claimant)

Versus

The State of Maharashtra
Through Collector, Latur

...Respondent
(Ori. Respondent)

...
AND

FIRST APPEAL NO. 353 OF 2008

1. Bhanudas s/o Babarao Sonwanshi
Age 67 years, Occ. Agriculture
R/o. Hippersoga,
Tq. and District Latur

2. Devidas s/o Babarao Somwanshi
Age 52 years, Occ. Agriculture
R/o. As above

...Appellants
(Ori. claimants)

Versus

The State of Maharashtra
Through Collector, Latur

...Respondent
(Ori. Respondent)

AND
FIRST APPEAL NO. 354 OF 2008

1. Ramrao Hanmantrao Patil
(died) through his L.Rs.
 - a. Sumanbai w/o Ramrao Patil
Age 57 years, Occ. Household
R/o. Hippersoga,
Tq. and District Latur
 - b. Sanjay s/o Ramrao Patil
Age 34 years, Occ. Agriculture
R/o. As above.
 - c. Balasaheb s/o Ramrao Patil
Age 28 years, Occ. Agriculture
R/o. As above.
 2. Sahebrao s/o Hanmantrao Patil
Age 50 years, Occ. Agriculture
R/o. As above
 3. Raosaheb s/o Hanmantrao Patil
Age 47 years, Occ. Agriculture
R/o. As above
- ...Appellants
(Ori. claimants)

Versus

The State of Maharashtra
Through Collector, Latur

...Respondent
(Ori. Respondent)

AND
FIRST APPEAL NO. 749 OF 2008

Sahebrao s/o Hanmantrao Patil
Age 50 years, Occ. Agriculture
R/o. Hippersoga,
Tq. and District Latur

...Appellant
(Ori. Claimant)

Versus

The State of Maharashtra
Through Collector, Latur

...Respondent
(Ori. Respondent)

AND
FIRST APPEAL NO. 1235 OF 2007

Ramrao Hanmantrao Patil
(died) through his L.Rs.

1. Sumanbai w/o Ramrao Patil
Age 57 years, Occ. Household
R/o. Hippersoga,
Tq. and District Latur
2. Sanjay s/o Ramrao Patil
Age 34 years, Occ. Agriculture
R/o. As above.
3. Balasaheb s/o Ramrao Patil
Age 28 years, Occ. Agriculture
R/o. As above.

...Appellants
(Ori. claimants)

Versus

The State of Maharashtra
Through Collector, Latur

...Respondent
(Ori. Respondent)

.....
Advocate for Appellant : Mr. H.B. Nandagavle h/f Mr. V G Sakolkar
AGP for Respondent: Mr. D.J Patil

...

CORAM : SANJAY A. DESHMUKH, J.
DATED : 27th NOVEMBER 2025

ORAL JUDGMENT :-

1. These first appeals are preferred against the judgments and awards dated 04.03.2002 passed by the learned Reference Court, Latur, in the land acquisition references, as shown in following chart:-

Sr. No.	F.A. No.	L.A.R. No.	Gat. No.	Area	Compensation awarded by LAO (in Rs.)	Awarded by Reference Court (in Rs.)
1	351 of 2008	192/1993	23	64 R	190/- per R	300/- per R
2	352 of 2008	189/1993	233	81 R	190/- per R	300/- per R
3	353 of 2008	186/1993	234	2 H 80 R	190/- per R	300/- per R
4	354 of 2008	190/1993	23	74 R	190/- per R	300/- per R
5	749 of 2008	191/1993	23	1 H 36 R	190/- per R	300/- per R
6	1235 of 2007	187/1993	23	86 R	190/- per R	300/- per R

2. Learned advocate for the appellants pointed out that notification issued under section 4 dated 22.2.1990 and date of notification under Section 6 of the Land Acquisition Act dated 16.01.1992. The above stated lands were acquired for construction of K.T. Weir. He submitted that the land acquisition officer awarded compensation at the rate of Rs.190/- per Are. The claimants claimed compensation @ Rs.750/- per Are for the dry land/Jirayat land. The Reference Court enhanced the compensation awarded @ Rs.300 per Are. He further pointed out that the Reference Court failed to consider the sale deed dated 10.09.1984 by which the agricultural land of 80 Are was sold for consideration of Rs.75,000/- situated at village Bokangaon, Tq. and District Latur and the lands of the claimants in question are situated at village adjacent to village Hippersoga, which is adjacent to village Bokangaon. Both the lands

are situated in the one and the same vicinity. He therefore, prayed the compensation at the rate of Rs.937/- per Are as per the said sale deed dated 10.09.1984. He also pointed out the reasons of the Reference Court in paras 15 and 16 of the judgment, which are relevant read as under:-

“15. If the said sale instances is taken into consideration obviously the prevailing market price of the land was Rs.94,000/- per hector. While going through the contents of the said sale deed, I find that to the north of the land Gat No. 109 there is a land of the vendee Vijaykumar Shinde and his brothers. So obviously the said sale is not at all said to be free sale and hence no reliance can be placed on such sale deed to hold that it is a good guide for fixation of the prevailing market price of the land.

16. Considering the quality and fertility of the acquired lands and the crops raised by the claimants in the said land, I hold that the market price of the land situated in the vicinity of village Hippersoga was at Rs.30,000/- per hector when notice u/s 4 of the Act was published. I decide issue No.2 accordingly.”

Learned advocate for the appellants lastly submitted that the appeals be allowed by enhancing the compensation accordingly.

3. Learned A.G.P. for the respondent State strongly opposed the appeals and submitted that the reasons and findings of the

Reference Court are legal and correct. The sale instance relied upon by the claimants is from a different village i.e. Bokangaon, Tq. and district Latur, which is situated at about 2 to 3 kilometers from the lands in question situated in village Hippersoga. He therefore, submitted that the adjacent land owner has purchased the land and therefore, must have paid highest consideration, therefore, the Reference Court has rightly not relied upon the said sale instance. He therefore, submitted to dismiss the appeals.

4. Perused the record and proceedings, particularly the sale deed in question and the impugned judgment and award. Merely because it is sale instance of another village it cannot be disbelieved. The said sale instance was considered, however, it was not relied upon by the Reference Court for the reason that it is adjacent to the land of the purchaser and therefore, he must have paid highest price for it. For that purpose, 25% of the amount can be deducted which must have been excessively paid by the purchaser in that sale instance as adjacent owner. If it is deducted, it come to Rs.70,500/- per Hector which comes to Rs.705/- per Are, which would be just and proper amount of compensation. Considering all these aspects, the appeals deserve to be allowed. The impugned judgments and awards of the Reference Court deserves to be modified. Hence, the following order:-

O R D E R

- I. The first appeals are allowed. The impugned judgments and awards are partly set aside and modified as under:-
- II. The impugned judgment and award passed by the Reference Court is modified as under:-
 - a) The appellants/claimants are entitled for compensation amount of their agricultural lands at the rate of Rs.705/- per Are with all other statutory benefits i.e. solatium, interest etc.
 - b) The claimants to pay the court fees on enhanced amount of compensation if it is not paid in the Reference Court.
- III) The award be drawn up accordingly.
- IV) The first appeals are accordingly disposed of.
- V. The respondent State shall deposit the enhanced amount of compensation within 12 weeks from today.
- VI. The record and proceedings be sent back forthwith.

(SANJAY A. DESHMUKH, J.)

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