



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

938 FIRST APPEAL NO. 794 OF 2008

Kesharbai Shivaji Patil

VERSUS

The State Of Mah And Anr

...

Mr. N. P. Patil, Advocate for Appellant

Mr. D. J. Patil, AGP for Respondents/State

WITH

FIRST APPEAL NO. 795 OF 2008

Ram Shankarrao Patil L.rs. Shivaji Ramrao Patil

VERSUS

The State Of Mah And Ors

...

Mr. N. P. Patil, Advocate for Appellant

Mr. D. J. Patil, AGP for Respondents/State

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 20.11.2025

ORAL JUDGMENT :-

1. These Appeals are preferred against the common judgments and awards dated 27.11.2007 passed by Ad-hoc District Judge-3 Latur in L.A.R. No.1119 of 1999 and 1001 of 2000, by which the amount of compensation was enhanced from Rs.270/- per AR to Rs.540/- per AR i.e., Rs.21600/- per acre.

2. Learned advocate for the appellants / claimants submitted that the claims filed by the claimants pertain to the

acquisition of Gut No.56 admeasuring 58 R (1 acre 18 R) situated at Utka, Taluka AUSA, District Latur, and Gut No.69 admeasuring 77 R (1 Acre 37 R) situated at Village Utka for the settlement of village Utka for earthquake affected persons on account of the earth-quake that took place on 30.09.1993.

3. Learned Advocate for the appellants / claimants further submitted that the learned Reference Court did not properly appreciate the documentary evidence on record, particularly the sale instances as well as the judgments and award passed earlier by the Reference Court in respect of the lands acquired prior to the lands in question. He pointed out the certified copy of the judgment delivered in L.A.R No.448 of 1995 and other connected matters dated 18.09.1998, by which compensation of Rs.40,000/- per acre for dry land and Rs.50,000/- per acre for irrigated land was granted. He further submitted that the said acquisition proceeding was of the year 1995, whereas the lands of the present appellants were acquired in the year 1997. Therefore, he submitted that the amount of compensation be increased for 10% per year i.e., at the rate of Rs.4,000/- per year, i.e., Rs.8,000/- for two years, thereby increasing the compensation to Rs.48,000/- per acre, on the basis of the

judgment and award of the Reference Court of the same project in respect of the lands situated adjacent to the appellants' land and acquired for the same purpose.

4. Learned AGP for the State strongly opposed the appeals and supported the reasons and findings recorded by the Reference Court, whereby the Reference Court concluded that the claimants are entitled to compensation at the rate of Rs.540/- per R i.e., Rs.21,600/- per acre. He submitted that there is no illegality or perversity in the impugned judgment and award. He lastly prayed to dismiss the appeals.

5. Perused the Record and Proceedings, particularly the impugned judgment, the sale instances and the judgment and award passed by the Reference Court in L.A.R No.448 of 1995. The following point emerges for consideration;

a. Whether the Reference Court was illegal and incorrect while determining the amount of compensation for acquired land of the appellants ?

6. Upon perusal of the entire evidence on record and the reasons recorded by the Reference Court, this Court finds that in L.A.R No.448 of 1995, wherein the lands of the claimants were

acquired for the same purpose, the Reference Court considered the entire evidence and concluded that the claimants therein were entitled to Rs. 40,000/- per acre as compensation for land situated in the same area and having similar non-agricultural potentials.

7. Considering all these documents and all the aspects, this Court is of the view that the appellants / claimants are entitled for compensation similar to the claimants in L.A.R No.448 of 1995 on the principle of parity. However, since the lands in that reference No.448 of 1995 were acquired in the year 1995 and the lands of the present appellants were acquired in the year 1997, the appellants / claimants are entitled to a 10% increase in the said amount, i.e., Rs. 8,000/- per acre increase. Thus, the appellants/claimants are entitled to compensation @ Rs. 48,000/- per acre. The reasons and findings recorded by the learned Reference Court are not legal and correct in this regard. Hence, I answer the point No.(a) as affirmative. The impugned judgments and awards therefore deserve partly interference. The appeals deserve to be partly allowed. Hence, the following Order:

::ORDER::

I. The First Appeal Nos.794 of 2008 and 795 of 2008 are partly allowed as under;

(a) The award passed in L.A.R. No.1119 of 1999 and 1001 of 2000 by the Adhoc District Judge-3 Latur is hereby modified as under:

(b) The claimants are entitled for Rs.48,000/- per acre compensation for their acquired land along with statutory benefits and interest as per the provisions under the Land Acquisition Act.

(II) The claimants have to pay deficit court fees on the enhanced amount of compensation, if it is not paid.

(III) Award be drawn up accordingly.

(IV) The R & P be sent back.

[SANJAY A. DESHMUKH, J.]

HRJadhav