



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

948 FIRST APPEAL NO. 875 OF 2002

The State Of Maharashtra
Through Special Land Acquisition Officer,
Jalgaon

....APPELLANT
(Ori. Opponent)

VERSUS

1. Mr. Gulabrao Amrutrao Patil
Age: 65 years,
2. Sahebrao Yeshwant
3. Subhash Yeshwant
4. Vinayak Yeshwant
5. Mandodharabai W/o Yeshwant

Occupation of all: Agriculture
R/o. Hated Tq. Chopda,
Dist. Jalgaon

....RESPONDENTS
(Ori. Applicants)

...

Mr. S. B. Jadhav, AGP for Appellant/State
Mr. B. R. Warma and Mr. R. R. Patil, Advocate for Respondents
(absent)

CORAM : SANJAY A. DESHMUKH, J.

DATE : 18.11.2025

JUDGMENT :-

1. This appeal is preferred against the judgment and award of the learned Reference Court, Amalner District Jalgaon dated 31.12.1992 delivered in the Land Acquisition Reference No.7 of 1990.

2. The claimants' agricultural land was acquired by the notification dated 28.05.1981 and an award was passed on 28.02.1995 by the Land Acquisition Officer. The reference was made to the Collector on 08.07.1985. The Collector sent reference to the Reference Court on 03.03.1990. Learned Reference Court passed a judgment and award on 31.12.1992 against which this appeal is preferred.

3. The learned AGP for the State submitted that the learned Reference Court failed to consider the evidence of claimants in its proper perspective. The learned Reference Court relied upon the sale instances which are not relevant to the case and enhanced an amount of compensation exorbitantly which is unsustainable. The conclusion drawn by the learned Reference Court is neither legal nor correct. He prayed to set aside the impugned judgment and award.

4. The grounds of challenge in the impugned judgment and award is that exorbitant amount was granted by the Reference Court. The learned Reference Court considered all the relevant aspects of the case and thereafter awarded amount of compensation and more particularly the sale instances were rightly appreciated by the learned Reference Court in paragraph Nos.38 and 39. It has rightly carved

out the market price of the acquired land. Even as per the policy decision of the State Government as per the Government Resolution dated 03.11.2016 and corrigendum issued to the same, whereby it was resolved by the state government to not to file or contest any appeal wherein the amount of compensation if granted by the Reference Court is well within four times. It is not in dispute that in this reference, the enhanced amount of compensation is well within four times than the amount awarded by the Special Land Acquisition Officer. Therefore, on this count also, this Court is of the view that there is no any ground to interfere with the impugned judgment and award. No any illegality and perversity is found in the impugned judgment. As there is no any error either of fact or law committed by the learned Reference Court, the appeal deserved to be dismissed. Hence, the following order:

::ORDER::

- a. The appeal is dismissed.
- b. No order as to costs.
- c. Civil Applications, if any, stand disposed of.

[SANJAY A. DESHMUKH, J.]

HRJadhav