



( 1 )

909-FA-766-2013

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

909 FIRST APPEAL NO. 766 OF 2013

Manohar Kedari Sawant

VERSUS

The State Of Maharashtra And Another

...

Mr. Vivekanand V. Ingale, Advocate for Appellant.

Smt. Chaitali Chaudhari-Kutti, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 24<sup>th</sup> SEPTEMBER 2025.

PC :-

1. Heard the learned Advocate for the appellant and the learned AGP for Respondent-State.
2. This Appeal is filed by the original-claimant for enhancement in the amount of compensation awarded to the claimant in Land Acquisition Proceedings. The land of the appellant came to be acquired for rehabilitation of earthquake affected persons from Village Kavatha Tq. Omerga Dist. Osmanabad. A notification under Section 4 of the Land Acquisition Act was issued on 18<sup>th</sup> August 1994. Award was passed

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on 23<sup>rd</sup> April 1996 granting compensation at the rate of Rs.25,000/- per Hecter. The appellant filed Reference and claimed compensation at the rate of Rs.50 per sq. foot by filing LAR No.179/2005. The learned Reference Court by way of impugned Judgment and Award enhanced the amount of compensation by giving rate of Rs.42,831/- per Acre.

3. The original claimant has therefore filed this appeal for enhancement in the amount of compensation. The compensation now claimed is Rs.21 sq. foot. It is mainly submitted by the learned Advocate that another land acquisition reference bearing No.311/2005, arising out of the same acquisition proceeding for the same project wherein the learned Civil Judge, Senior Division, Omerga enhanced the compensation by considering the rate of Rs.20 per sq. foot. It is pointed out that the Government acquiesced to the said award. A letter is produced on record on 9<sup>th</sup> January 2019 issued by Solicitor (M.L.) cum-Deputy Secretary to the Government. The learned Advocate for the appellant thus submits that once the rate of Rs.20 per sq. is accepted by the Government, there is no reason to give any different rate to the land

of the present appellant which is acquired under the same project by way of the same proceeding.

4. The learned AGP vehemently opposed this appeal. She submits that the said acquiescence was only for the LAR No. 311/2005 and it cannot be generalized. Every land is distinct and the situation is also different. In the present case, she submits that the learned trial Judge has rightly appreciated the evidence and has awarded the rate. The learned SLAO, in fact, had considered all the relevant factors and had granted the rate by considering the rate to be Rs.42,000/- hectare that comes to Rs.10,000/- per Acre. She thus prays for rejection of the appeal.

5. This Court has gone through the judgment and award. It is seen that there was sale instance produced on record at Exh. 34 where the land consideration was shown to be Rs.25 per R., that would come nearly to Rs.25 per sq. foot. This Court finds that even if that sale deed is accepted, it is clear that when the land compensation is claimed in the unit of per sq. foot. It shows that there is N.A. potentiality, and therefore

the said deduction is required to be made. If that deduction is made the rate would come to Rs. 20 pr sq. foot. and that rate is already accepted by the Government. This Court, therefore, does not find any difficulty in accepting the rate to be Rs. 20 per sq. foot. Consequently, this Court finds that a case is made out to partly allow the appeal. Hence, the following order:

**ORDER**

- (i) Appeal is partly allowed.
- (ii) The applicant-claimant shall be entitled to receive compensation @ 20 per sq. foot. Fresh award be passed.
- (iii) Needless to say that the claimant shall be entitled to receive statutory benefits from the date of award.
- (iv) The enhanced amount be deposited in this Court within a period of eight weeks from today.
- (v) Appeal stands disposed off.
- (vi) Pending civil applications, if any, also stand disposed off.

**[KISHORE C. SANT, J.]**