



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1138 OF 2016

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer,
Latur Medium Project Division,
Latur.

... Appellants
[Orig. Respondents]

VERSUS

1. Santram s/o Jyotiba Khandade,
Age: 60 years, Occu: Agri.
R/o. Bhandarwadi,
Tq. Renapur, Dist. Latur.

... Respondent
[Orig. Claimant]

WITH

FIRST APPEAL NO. 1139 OF 2016

1. The State of Maharashtra,
Through Collector, Latur.
2. The Executive Engineer,
Latur Medium Project Division,
Latur.

... Appellants
[Orig. Respondents]

VERSUS

1. Uttam s/o Bhimrao Dahiphale,
Age: 45 years, Occu: Agri.,
2. Vinayak s/o Bhimrao Dahiphale,
Age: 43 years, Occu: Agri.,
3. Ramrao s/o Bhimrao Dahiphale,
Age: 35 years, Occu: Agri.,

All R/o Bhandarwadi, Tq. Renapur,
Dist. Latur.

... Respondents
[Orig. Claimants]

WITH
FIRST APPEAL NO.1140 OF 2016

1. The State of Maharashtra
Through Collector, Latur.
2. The Executive Engineer,
Latur Medium Project Division,
Latur.

... Appellants
[Orig. Respondents]

VERSUS

1. Manikrao s/o Shankarrao Dahiphale,
Age: 55 years, Occu: Agri.,
R/o. Bhandarwadi,
Tq. Renapur, Dist. Latur.

... Respondent
[Orig. Claimant]

Appearance :

Mr. B. A. Shinde, AGP for the Appellants – State in all First Appeals

Mr. S. V. Gundre, Advocate for Respondent Nos.1 to 3 in First Appeal No.1139/2016

Mr. S. V. Gundre h/f Mr. V. D. Gunale, Advocate for Respondent – Sole in First Appeal No.1138/2016

Mr. V. C. Patil – Ashtekar h/f Mr. U. B. Bondar, Advocate for Respondent – Sole in First Appeal No.1140/2016

CORAM	: NEERAJ P. DHOTE, J.
Reserved On	: 14th November, 2025
Pronounced On	: 24th November, 2025

COMMON ORDER :

1. These First Appeals under Section 54 of the Land Acquisition Act, 1894 [for short ‘the L. A. Act’], are filed by the State against the Common Judgment and Award dated 04.02.2009, passed by the learned Civil Judge, Senior Division, Latur [for short ‘the learned Reference Court’], granting enhanced compensation to the Respondents / Claimants. The Operative Order of the said Judgment and Award reads as under :

- “1. The references are partly decreed with proportionate cost.
2. The respondents do pay compensation of Rs.1,54,280/- (Rs. One Lakh fifty four thousand two hundred eighty only) to the claimant in L.A.R. No. 390/1998 along with 30% solatium and 12% increase from the date of notification under Section 4 of the Act i.e. 28.01.1994 till passing of award i.e. 22.07.1996 along with interest @ 9% p.a. for the first year from the date of notification under Section 4 of the Act i.e. from 28.01.1994 to 27.01.1995 and @ 15% p.a. for the subsequent years till realization of the entire amount.
3. The respondents do pay compensation of Rs. 30,476/- (Rs. Thirty thousand four hundred seventy six only) to the claimant in L.A.R. No. 391/1998 along with 30% solatium and 12% increase from the date of notification under Section 4 of the Act i.e. 28.01.1994 till passing of award i.e. 22.07.1996 along with interest @ 9% p.a. for the first year from the date of notification under Section 4 of the Act i.e. from 28.01.1994 to 27.01.1995 and @ 15% p.a. for the subsequent years till realization of the entire amount.
4. The respondents do pay compensation of Rs.28,872/- (Rs. Twenty eight thousand eight hundred seventy two only) to the claimant in L.A.R. No. 389/1998 along with 30% solatium and 12% increase from the date of notification under Section 4 of the Act i.e. 28.01.1994 till passing of award i.e. 22.07.1996 along with interest @ 9% p.a. for the first year from the date of notification under Section 4 of the Act i.e. from 28.01.1994 to 27.01.1995 and @ 15% p.a. for the subsequent years till realization of the entire amount.
5. Deficit court fee if any, be recovered from the claimants.
6. Award be drawn accordingly.”

2. Heard the learned AGP for the Appellants / State and the learned Advocates for the respective Respondents / Claimants. Perused the record.

3. The State acquired the Respondents' lands situated at Bhandarwadi, Taluka Renapur, District Latur for the purpose of approach road and temporary colony for 'Rena Medium Project'. The details of the lands acquired and compensation paid by the Land Acquisition Officer, Latur [for short 'the L.A.O'] are as follows :

L.A.R. No.	Block No.	Land Acquired	Land value awarded by L.A.O per hector	Land Value paid by L.A.O.
1	2	3	4	5
390/1998	121	95 R	37600	35720
391/1998	06	19 R	39600	7524
389/1998	143	18 R	39600	7128

4. The Notification under Section 4 of the L. A. Act was published on 16.09.1993 / 28.01.1994. The possession of the lands was taken before Section 4 Notification by private negotiations. As the Claimants were not satisfied with the compensation granted by the L.A.O, they preferred the above-referred three [03] References. The common evidence is led in L.A.R No.390/1998. It was the case of the Claimants before the learned Reference Court that, their acquired land was of black cotton soil having 20 feet depth and fertile land. The land was seasonally irrigated. They were cultivating the crops like wheat, jawar, pulses, sunflower, black gram and vegetables, and earning Rs.20,000/- per Acre per annum. The Village, where the acquired lands were situated, was at the distance of four [04] to five [05] kilometers from the Taluka place. It was near the Highway and Railway line and under the command area of Ambejogai Sugar Factor. The District place was at the distance of twenty-five [25] kilometers away. Though they claimed the rate of Rs.1,00,000/- per Acre, the L.A.O granted meager compensation of Rs.37,600/- per Hectare to Rs.39,600/- per Hectare.

5. The References were resisted by the State by filing Written Statement contending that, the L.A.O has considered the relevant aspects and

granted reasonable compensation. The relevant sale transactions were called from the office of Sub-Registrar. The acquired lands were of medium fertility. It was prayed that, the References be dismissed.

6. The learned Reference Court framed and answered the issues as follows :

	ISSUES	FINDINGS
1	Does claimant prove that the compensation by the L.A.O for the acquired land is inadequate ?	In the affirmative
2	What was the market price of the acquired land when notification U/section 4 of the Act was published ?	Rs.2,00,000/- per Hector
3	Does claimant entitled to receive enhanced compensation, solatium, interest etc. ? If yes, what amount ?	As per final order
4	What order and decree ?	References are partly decreed with proportionate costs.

7. The Claimants examined one [01] witness, namely, Santram Jetiba Khandade, who is Claimant in First Appeal No.1138/2016 i.e. in L.A.R. No.390/1998 and brought on record the documents in the nature of copy of Award, copy of E-statement, sale instances etc. Considering the evidence on record, the learned Reference Court partly allowed the References in terms of the operative order referred above.

8. The evidence on record show that, the witness examined by the Claimants admitted that, the lands were non-irrigated lands. The sale instances below Exhibit – 28 was dated 16.10.1993, by which one [01] Acre land from the

said Village Bhandarwadi was sold for a consideration of Rs.80,000/-. As per the Sale Deed below Exhibit – 30, two [02] Acres land from the same Village was sold on 08.02.1993 for Rs.1,60,000/-. From the said Sale Deed, the learned Reference Court observed that, the lands in the Village Bhandarwadi were sold for the consideration of Rs.80,000/- per Acre, i.e. Rs.2,00,000/- per Hectare. The lands, in the said sale instances, according to the Claimants, were inferior in quality to the acquired lands. As the Claimants admitted that, their lands were non-irrigated lands, the learned Reference Court has rightly considered those sale instances and enhanced the compensation for the acquired lands @ Rs.80,000/- per Acre, being the rate at time of Section 4 Notification. There is nothing to show that, the said Sale Deeds were not genuine transactions. They were from the same Village. Hence, no fault can be found with the compensation enhanced by the learned Reference Court by the impugned Judgment and Award.

9. The other aspect in the Appeals are in respect of the period, from which, the Interest is awarded by the learned Reference Court. The Operative Order shows that, the Interest @ 9% p.a. is granted from the date of Section 4 Notification of the L. A. Act. Reliance is placed by the learned AGP on the Judgment in **State of Maharashtra Vs. Kailash Shiva Rangari; 2016 [4] ALL MR 513**, in which, this aspect is considered and answered. The relevant observations in Paragraph No.33 of the said Judgment are reproduced below :

“33. In view of above, we answer the question of reference as under: (a) If the possession is taken before the notification under Section 4(1) of the Land Acquisition Act is published and /or before the award is passed, the

ladnowner would be entitled for interest as per Section 34 necessarily from the date of passing of the award under Section 11 of the said Act, except in cases where the possession is taken in accordance with Section 17 of the said Act, and in that situation only, the provision of Section 34 of the said Act shall start operating from the date of possession. (b) We also hold that the decision of the Division Bench of this Court in the case of Lalitkumar Himmatlal Shah v. State of Maharashtra and others, decided by Smt. Vasanti A. Naik and Shri Prasanna B. Varale, JJ. And reported in 2012 (4) Mh.L.J. 742 : [2012(4) ALL MR 779], lays down a correct position of law and it does not require reconsideration.”

9. In view of the above legal position, the impugned Award requires modification to the extent of period from which the Interest is granted. Hence, the following order:

ORDER

- [I] The First Appeals are partly allowed.
- [II] The Interest awarded by the learned Reference Court in the impugned Judgment and Award be granted from the date of Award under Section 11 of the L. A. Act, as per the above-referred Judgment in *State of Maharashtra Vs. Kailash Shiva Rangari (Supra)*.
- [III] The calculation of the enhanced compensation be made accordingly.
- [IV] The rest of the Award remains the same.
- [V] Record and Proceedings be sent back to the learned Reference Court.
- [VI] First Appeals stand disposed off accordingly.

[NEERAJ P. DHOTE, J.]