



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

FIRST APPEAL NO. 1776 OF 2021

Ashok Gangadharappa Rasure
and another .. Appellants

Versus

The State of Maharashtra, through
the District Collector, Latur and others .. Respondents

**WITH
FIRST APPEAL NO. 1777 OF 2021**

Vijaykumar Vishwnathappa Rasure .. Appellant

Versus

The State of Maharashtra, through
the District Collector, Latur and others .. Respondents

**WITH
FIRST APPEAL NO. 1780 OF 2021**

Mohan Gangadharappa Rasure .. Appellant

Versus

The State of Maharashtra, through
the District Collector, Latur and others .. Respondents

**WITH
FIRST APPEAL NO. 1781 OF 2021**

Manmathappa Vishwnathappa Rasure .. Appellant

Versus

The State of Maharashtra, through
the District Collector, Latur and others .. Respondents

Shri Suraj V. Gundre, Advocate for the Appellants in all matters.
Mrs. M. N. Ghanekar, A.G.P. for the Respondent Nos. 1 to 3 in
all matters.

CORAM : SHAILESH P. BRAHME, J.
DATE : 19TH NOVEMBER, 2025.

FINAL ORDER :

. Heard both sides finally at the admission stage with the consent of the parties.

2. A common judgment and award dated 16th September, 2017 passed by the Civil Judge Senior Division, Latur has been assailed by the claimants. They are relying on judgment dated 01st April, 2025 passed by the Division Bench of this Court in First Appeal No. 1428 of 2020 and other connected matters. It is submitted that in similar circumstances the Division Bench awarded rate of Rs. 620/- per square feet. Considering the fact that lands under the acquisition are developed lands, appellants are entitled to receive rate of Rs. 868/-per square on the basis of sale exemplar dated 02.08.2008 awarding rate of Rs. 660/- per square feet. It is submitted that method of averaging applied by the Reference Court is patently illegal.

3. Learned Assistant Government Pleader fairly tenders on record written instructions received from the competent authority addressed vide letter dated 19.11.2025. It is candidly stated that all facts and circumstances in the present appeals and in the group of appeals decided by the Division Bench upon

which reliance is placed by the appellants are identical. She would further submit that appellants are not entitled to enhancement of the rate. The Reference Court has taken a possible view. She would further urge that Reference Court has committed patent illegality in awarding interest from the date of notification instead of date of award.

4. I have considered rival submissions of the parties. Both the parties are *ad-idem* that the acquisition proceedings, purpose, sale exemplars and duration in between sale exemplar and notification issued U/Sec. 4 of the Land Acquisition Act (for the sake of brevity and convenience hereinafter referred as to the “L. A. Act”) are same. The lands of the appellants are acquired for the purpose of new ring road part II of State Highway No. 03 from Latur to Kava. The notification U/Sec. 126(4) of the Maharashtra Regional and Town Planning Act was issued on 28.03.2012. Award was passed by the Special Land Acquisition Officer (for the sake of brevity and convenience hereinafter referred as to the “S.L.A.O.”) on 20.12.2013 fixing rate of Rs. 350/- per square meter. It is enhanced to Rs. 400/- square feet by the Reference Court.

5. The Division Bench decided group of appeals vide common judgment and award dated 01.04.2025. In those cases notification U/Sec 4 of the L. A. Act was issued on 24/25 March, 2012. Following observations are relevant to show as to how rate of Rs. 620/- per square feet was arrived at.

“16. All the aforesaid sale exemplars are of the date before issuance of notification under Section 4 of the Act of 1894. First five sale exemplars pertain to very small pieces of land/s compared to sale exemplar Exhibit 23. We, therefore, rely on the sale exemplar (Exh.23). Rate thereof comes to Rs.619.53/- per sq.ft. It is true that it pertains to four years before publication of notification under Section 4 of the Act of 1894. We could have enhanced the price by addition of 10% thereof every year, but we consider the same as deduction for development of the land acquired and take the rate of the said sale exemplar as it is which comes to Rs.620/- per sq.ft. (round off).”

6. Following are the particulars about the area of land acquired in the present appeals and the sale deeds produced before the Reference Court.

A. Area acquired :

Sr. No.	First Appeal No.	L. A. R. No.	Sy. No.	Area
01	1776 of 2021	302 of 2016	09	260 sq. mtrs.
02	1777 of 2021	305 of 2016	09	400 sq. mtrs.
03	1780 of 2021	201 of 2016	09	130 sq. mtrs.
04	1781 of 2021	252 of 2016	09	500 sq. mtrs.

B. Evidence by claimants (sale deeds) from village Kanheri, Latur.

Sr. No.	Exhibit	Sy. No.	Area in sq. mtr.	Amount	Date of sale deed	Price per sq. ft.
01	22	24/B	185.87	13,21,000/-	02.08.2008	660/-
02	23	30/B	32.66	7,74,000/-	16.05.2008	2205/-
03	24	24/B	1301.1	64,68,000/-	16.05.2008	462/-

7. The above sale instances were also quoted in the Reference Court of above referred appeals. In our appeals I find that the sale instance at Exhibit 22 disclosing rate of Rs. 660/- per square feet for 185.87 square meter of land appears to be proper sale exemplar. It is not disputed by the respondents that the pieces of the lands under acquisition are developed plots, unlike that of the appeals decided by the Division Bench. Development charges cannot be made applicable. The appellants are entitled to receive addition of 10% for every year from the date of sale exemplar till the notification. Thus the appropriate rate would be $620/- + 40\% = \text{Rs. } 868/-$ per square feet.

8. Learned counsel for the appellants has rightly referred to the ratio laid down by the Division Bench of this Court in the matter of Osman Khan Abdul Majid Khan and another Vs. The State of Maharashtra reported in (1994) 2 MhLJ 1103, which *inter alia* refers to the decision rendered by the Supreme Court in the matter of Bhagwathula Samanna and others Vs. Special Tahsildar and Land Acquisition Office, Visakhapatnam Municipality reported in (1991) 4 SCC 506.

9. The Reference Court arrived at the rate by applying the method of averaging. It is not appropriate to apply the said method in the present matters. The sale instance at Exhibit 22 is closure to the facts and can be treated to be the rate with additions referred above.

10. The Reference Court has awarded interest from the date of

notification, which is illegal in view of the judgment of the Supreme Court in the matter of The State of Maharashtra Vs. Kailash Shiva Rangari reported in *2016 (4) ALL MR 513*.

11. For the reasons stated above, I find that appeals succeed. I, therefore, pass following order.

O R D E R

I First appeals are allowed partly.

II Common impugned judgment and award dated 16.09.2017 passed by Civil Judge Senior Division, Latur stands modified to the extent of clauses (2) and (5) of the operative part of the judgment only. Those clauses shall be substituted by following clauses :

2. The respondents shall pay to the claimants in all four the references the compensation at the rate of Rs. 868/- (Rs. Eight hundred Sixty Eight only) per square foot towards enhanced compensation against the land acquired after deducting the amounts already paid.

5. The respondents shall pay the interest on the enhanced compensation amount @ 9% per annum from the date of award and @ 15% from the date of expiry of said period of one year on the amount of such excess which has not been paid in the Court before the date of

such expiry, as per Sec. 28 of the Act.

III Save and except the above modification remaining award shall stand confirmed.

IV Award be drawn up accordingly.

[SHAILESH P. BRAHME J.]

bsb/Nov. 25