order is corrected pursuant to speaking to minutes order dated 04.09.2025.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 CIVIL APPLICATION NO. 5696 OF 2011
IN FAST/8286/2011

The State Of Maharashtra Thr. Collector, Latur And Anr

VERSUS

Shrihari Dhondiba Sakhare

WITH

CIVIL APPLICATION NO. 5697 OF 2011
IN FAST/8286/2011
WITH
CIVIL APPLICATION NO. 5698 OF 2011
IN FAST/8310/2011
WITH
CIVIL APPLICATION NO. 5699 OF 2011
IN FAST/8310/2011
WITH
CIVIL APPLICATION NO. 5716 OF 2011
IN FAST/8315/2011
WITH
CIVIL APPLICATION NO. 5717 OF 2011
IN FAST/8315/2011
WITH
CIVIL APPLICATION NO. 5711 OF 2011
IN FAST/8318/2011
WITH
CIVIL APPLICATION NO. 5714 OF 2011
IN FAST/8319/2011
WITH
CIVIL APPLICATION NO. 5712 OF 2011

Ethape

This order is corrected pursuant to speaking to minutes order dated 04.09.2025.

IN FAST/8318/2011
WITH
CIVIL APPLICATION NO. 5715 OF 2011
IN FAST/8319/2011
WITH
CIVIL APPLICATION NO. 5692 OF 2011
IN FAST/8324/2011
WITH
CIVIL APPLICATION NO. 5693 OF 2011
IN FAST/8324/2011
WITH
CIVIL APPLICATION NO. 5700 OF 2011
IN FAST/8330/2011
WITH
CIVIL APPLICATION NO. 5702 OF 2011
IN FAST/8331/2011
WITH
CIVIL APPLICATION NO. 5701 OF 2011
IN FAST/8330/2011
WITH
CIVIL APPLICATION NO. 5703 OF 2011
IN FAST/8331/2011
WITH
CIVIL APPLICATION NO. 5706 OF 2011
IN FAST/8337/2011
WITH
CIVIL APPLICATION NO. 5704 OF 2011
IN FAST/8336/2011
WITH
CIVIL APPLICATION NO. 5707 OF 2011
IN FAST/8337/2011
WITH
CIVIL APPLICATION NO. 5705 OF 2011

This order is corrected pursuant to speaking to minutes order dated 04.09.2025.

IN FAST/8336/2011
WITH
CIVIL APPLICATION NO. 5708 OF 2011
IN FAST/8342/2011
WITH
CIVIL APPLICATION NO. 5710 OF 2011
IN FAST/8342/2011
WITH
CIVIL APPLICATION NO.5694 OF 2011
IN FAST/8325/2011

...

Mr. S. B. Jadhav, AGP for Applicant-State.
Mr. Anurag V. Sakolkar h/f Mr. V. T. Sakolkar, Advocate for Respondent No.1.
Mr. Amit A. Mukhedkar, Advocate for Respondent No.1 in CA/5714/2011 and ors.

CORAM : KISHORE C. SANT, J.
DATE : 21st AUGUST 2025.

PC :-

1. These civil applications are filed seeking condonation of delay caused in filing the first appeals by the State Government. The delay is hardly of 120 days. The maximum delay is in CA/5696/2011 is of 292 days.

2. For the reasons stated in the applications, applications are allowed.

This order is corrected pursuant to speaking to minutes order dated 04.09.2025.

Delay stand condoned.

3. Office to register first appeals.

FIRST APPEALS

4. All the appeals arise out of same acquisition proceedings undertaken by the Government for construction of percolation tank at Village Dhanora Tq. Ahmedpur Dist. Latur. All the appeals arising out of the common judgment and order.

5. All the references came to be disposed off by impugned judgment and order dated 5th April 2010 passed by learned Civil Judge Senior Division, Ahmedpur Dist. Latur. The rate awarded by the learned SLAO and enhanced by the Reference Court are as per the Chart which reads as below:

Sr. No	FA No.	LAR No.	Land acquired	SLAO rate	Ref. Court Rate
1	FAST/ 8286/2011	1/2006	Gut No.80/1 35R.	576/- to 635/- per R.	2892/- per R.
2	FAST/ 8337/2011	2/2006	Gut No.86/1 11R.	576/- to 635/- per R.	2892/- per R.

This order is corrected pursuant to speaking to minutes order dated 04.09.2025.

3	FAST/ 8336/2011	3/2006	Gut No.79/3 9R.	576/- to 635/- per R.	2892/- per R.
4	FAST/ 8331/2011	4/2006	Gut No.80/1 &86 6R & 96R	576/- to 635/- per R.	2892/- per R.
5	FAST/ 8330/2011	5/2006	Gut No.80/1 15 R.	576/- to 635/- per R.	2892/- per R.
6	FAST/ 8324/2011	6/2006	Gut No.79/4 32R.	576/- to 635/- per R.	2892/- per R.
7	FAST/ 8325/2011	7/2006	Gut No.79/4 15R.	576/- to 635/- per R.	2892/- per R.
8	FAST/ 8319/2011	8/2006	Gut No.79/5 10R.	576/- to 635/- per R.	2892/- per R.
9	FAST/ 8318/2011	9/2006	Gut No.79/3 34R.	576/- to 635/- per R.	2892/- per R.
10	FAST/ 8315/2011	10/2006	Gut No.79/3 40R.	576/- to 635/- per R.	2892/- per R.
11	FAST/ 8310/2011	11/2006	Gut No.86 10R.	576/- to 635/- per R.	2892/- per R.
12	FAST/ 8342/2011	12/2006	Gut No.80/1 35R.	576/- to 635/- per R.	2892/- per R.

6. The learned AGP vehemently argued that, in the present case, the learned SLAO had rightly awarded the amount of compensation by considering the market value, situation of the land, fertility etc. The learned Civil Judge Senior Division, however, has considered the sale instances and enhanced the amount. He further submits that the sale-

This order is corrected pursuant to speaking to minutes order dated 04.09.2025.

deed relied upon were executed just before the acquisition, and therefore, those could not have been relied upon by the Court. The Court has relied only upon the evidence of one of the claimants. He thus submits that the impugned judgment and order deserves to be quashed and set aside.

7. The learned Advocates Mr. Mukhedkar and Mr. Sakolkar, appearing in respective appeals vehemently argued that the learned Reference Court has rightly awarded the compensation. It is for the Court to award fair and adequate compensation towards land acquired by the State Government. Mr. Mukhedkar relied upon the judgment in the case of ***Ambalal Babulal Patel etc. Vs. Group General Manager ONGC and Anr.***[1]. He thus prays for rejection of the appeals.

8. In the case of ***Ambalal Patel*** (supra), the Apex Court held that, the the said case, the reference Court has enhanced the amount of compensation. The High Court in first appeals revered the order passed

1 AIR OnLine 2022 SC 1050

This order is corrected pursuant to speaking to minutes order dated 04.09.2025.

by the learned Reference Court. The matter went up to the Hon'ble Supreme Court. The Hon'ble Apex Court held that when the learned Reference Court had relied upon sale instances and has rightly passed the orders, it was not proper for the High Court to interfere with the order. The learned Advocate also relied upon the order passed by this Court in First Appeal No.979/2002 with other connected first appeals dated 22nd August 2024 and order passed in First Appeal No.1336/2008 and connected appeals dated 25th September 2024. In those cases, the appeals are dismissed on the ground that the enhancement was meagre and not unreasonable.

9. After hearing the parties and going through the judgment, this Court finds that in the present case also the reference Court has rightly passed the order by considering sale instances. The sale instance shows the rate of Rs.10,15,000/- per hectre, still he has granted the rate of Rs.2,89,275/-. There was another sale instance. He has considered that the said sale instances was prior to one year and eight months of the

This order is corrected pursuant to speaking to minutes order dated 04.09.2025.

notification under Section 4 of the Land Acquisition Act. He considered the other sale-deeds and has come to a right conclusion. This Court does not find any illegality or perversity in the impugned order.

10. Considering above, this Court does not find any merit in the appeals, and therefore, all the appeals are dismissed with no order as to costs.

[KISHORE C. SANT, J.]

Ethape