



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

901 FIRST APPEAL NO. 1372 OF 2004

Jalba s/o Kondiba Jadhav  
Age 63 years, Occ. Agriculture  
R/o. Kinhala, Ta. Bhokar  
District Nanded  
Through his General Power of  
Attorney  
Gangadhar s/o Jalba Jadhav  
Age 33 years, Occ. Service  
R/o. As above

...Appellant  
(Ori. Claimant)

Versus

1. The State of Maharashtra  
Through Collector,  
Nanded
2. The Special Land Acquisition  
B & C at Nanded
3. The Executive Engineer,  
M.I.D.C. Nanded

...Respondents  
(Ori. Respondents)

Advocate for Appellant : Mr. B.N. Gadegaonkar  
AGP for Respondent Nos. 1 and 2: Mr. A.A. Khan

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**CORAM : SANJAY A. DESHMUKH, J.**  
**DATED : 19<sup>th</sup> NOVEMBER 2025**

**ORAL JUDGMENT:-**

1. This appeal is preferred by the claimant against the impugned judgment and award passed by the Learned IInd Ad-hoc Additional District Judge, Nanded i.e. Reference Court in L.A.R.

No.111 of 2001 decided on 12.7.2004.

2. Learned advocate for the appellant pointed out the record and proceeding particularly the pleadings. It is submitted that the agriculture land of the present appellant bearing block No. 12 admeasuring 94 Are situated at village Kinhala, Tq. Bhokar district Nanded are acquired for construction of percolation tank. Learned advocate for the appellant further pointed out the impugned judgment and submitted that the sale instances were not properly considered by the Reference court while appreciating the evidence. He further pointed out the sale instances at Exh.15 and 16, which show that the land bearing block No.35 admeasuring 1 H 16 Are out of which 23 Are land was sold for Rs.12000/- on 23.3.1993, which was not relied upon by the Reference Court. He submitted that if the said sale deed is believed as sale instance, the appellant is entitled for compensation at the rate of Rs.521/- per Are. He also pointed out the sale deed at Exh.16 by which 93 Are land out of block No.121 out of 3 Hectare and 69 Are land was sold for Rs.80,000/-. It means Rs.34,408/- per acre and Rs.860/- per Are. However, those sale instances were not considered by the Reference court and no cogent and acceptable reasons were given for it. He therefore, submitted to allow the appeal.

3. Learned A.G.P. for the State strongly opposed the appeal and pointed out the reasons and submitted that the finding of the Reference court are legal and correct and no interference is warranted in the impugned judgment and award.

4. Perused the record and proceeding, particularly the evidence on record. The sale deeds Exh. 15 and 16 are referred in para 8 alongwith 7x12 extract of the acquired property in the impugned judgment. However, the compensation amount was not awarded in accordance with those sale instances. The Reference court enhanced amount of compensation from Rs.9500/- per acre to Rs.13,500/- per acre relying upon the sale transaction, by stating the reasons that the distance between these two properties mentioned in sale instance are 400 to 500 feet away from the acquired land and those are situated on the common boundary of village Bhokar. The Reference court further observed that there is no evidence as to the quality and fertility of the said lands. The 7x12 extract of those lands are not filed on record to ascertain the quality of land. Thus, on account of long distance, the Reference court declined to rely upon these two sale instances. However, the said view of the Reference court is not legal and proper, as the acquired land and the lands under the sale instances are situated in one and the same area. Therefore, considering the higher price of the land and the sale

instance at Exh.16, the claimant is entitled for the same rate in view of the judgment of the Hon'ble Supreme Court in the case of ***Mehrawal Khewaji Trust (Registered) Faridkot and others vs. State of Punjab and others: 2012 SCC OnLine SC 381.***

5. Considering these aspect, the appellant is entitled for compensation at the rate of Rs.860/- per Are for the acquired land. To this extent, the appeal deserves to be allowed. The impugned judgment and award deserves to be partly set aside. Hence the following order:-

#### O R D E R

- (i) The appeal is partly allowed.
- (ii) The claimant is entitled for compensation in respect of acquired land at the rate of Rs.860 per Are i.e. Rs.34400/- per Acre.
- (iii) The compensation received by the appellant- claimant in Reference Court as well as this Court, as per earlier orders, if any, is to be deducted from the compensation so arrived by considering the aforesaid rate.

- (iv) The appellant-claimant shall also be entitled to get interest under Section 28 and 34 of the Land Acquisition Act, 1894 from the respective dates of awards passed by the Special Land Acquisition Officer.
- (v) The appellant-claimant shall also be entitled to get interest @ 12% p.a. as a special component from the date of notification under Section 4(1) of the Land Acquisition Act, 1894 till the date of passing of award by the SLAO, as per Section 23(1A) of the Act.
- (vi) The appellant-claimant shall be entitled to get 30% solatium on the difference of market value under Section 23(2) of the Act.
- (vii) The appellant-claimant shall not be entitled for the interest amount for the period of delay, if any, caused for filing of appeal which is condoned.
- (viii) The award be modified accordingly.
- (ix) The appeal is accordingly disposed of along with the

pending Civil Applications, if any.

- (x) Liberty to pay deficit court fees, if any, after it is computed by the office.
- (xi) The respondents shall deposit the enhanced amount of compensation within eight weeks from today with interest accrued thereon.
- (xii) Record and proceedings, if any, be sent back to the Reference Court forthwith.

**(SANJAY A. DESHMUKH, J.)**

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