



THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

FIRST APPEAL NO. 1580 OF 2004

The State of Maharashtra,
Through the Collector, Osmanabad.

... Appellant

VERSUS

1. Sarjerao Bhagwan Limkar,
Age: Major, Occu. Farmer,
R/o: Andrud, Tq. Bhoom,
Dist. Osmanabad.

2. Bapurao Bhagwan Limkar,
Age: Major, Occu. Farmer.
R/o: Andrud, Tq. Bhoom,
Dist. Osmanabad.

... RESPONDENTS
(Ori. Claimants)

...
Mr. Virendra V. Jahagirdar, AGP for Appellant / State.
Ms. Harsha R. Lomte, h/f Mr. V. D. Salunke, Advocate for Respondents.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 05th December, 2025.

ORAL JUDGMENT:

1 This appeal is preferred by the State against the judgment and award dated 8th October, 2003 passed by the learned Reference Court, Osmanabad, in LAR No.304 of 1994.

2 Both the sides are heard.

3 The agricultural lands of the claimants bearing Survey No.22/4, admeasuring 0 H 67 R and Survey No.20/1, admeasuring 0 H 01 R, situated at village Andrud, Tahsil Bhoom, District Osmanabad, were acquired for Dokewadi Medium Project. Notification under Section 4 of the Land Acquisition Act, 1894 (for short "the said Act"), was published on 25th January, 1990. Thereafter, on 3rd August, 1993 the LAO passed an awarded. The claimants claimed that their lands were situated on the Bank of the river and had black cotton soil, producing crops like paddy, chilly, wheat, ground-nut, sugarcane and also some fruit bearing trees like 450 Pomegranate, Mango, Tamarind, Jambhul, Jujube etc. The claimants claimed an enhanced amount of compensation at the rate of Rs.1,19,000/-, based on the market value and also claimed compensation for the trees and a half share in the well.

4 The State opposed the claim and submitted that the claimants had submitted their claim on imaginary grounds. The acquired lands were not irrigated lands. The LAO rightly carved out the amount of compensation. It was lastly prayed to dismiss the claim petition.

5 The learned AGP for the State submitted that the impugned judgment and award are not legal and correct. The award was not filed within the limitation period. The reasons and findings of the learned Reference Court are not sustainable. An exorbitant amount of compensation was awarded. It is lastly prayed to allow the appeal.

6 The learned counsel for the respondents / claimants submitted that a reasonable amount of compensation was awarded by the learned Reference Court. The sale instance was rightly accepted by the learned Reference Court by relying on the evidence of that purchaser of land. The value of the trees etc. was also properly carved out and awarded. The reasons and the findings of the learned Reference Court are legal and correct and no interference is warranted in it. It is lastly prayed to dismiss the appeal.

7 Perused the record and proceedings, particularly the impugned judgment and award.

8 The reference is to be preferred within 42 days after receiving the notice under sub-Section (2) of Section 12 of the said

Act. Otherwise, the reference can be filed within six months from the date of knowledge of the passing of the acquisition award by the Land Acquisition Officer, as per sub-Section (1) of Section 18 of the said Act.

9 On perusal of the record and proceedings, it is found that the claimants received payment on 29th September, 1993, which appears from the 'E' Statement. The reference was filed on 3rd November, 1993. Thus, it was filed within 34 days and it is within limitation. No such evidence was adduced by the State to show that the reference was filed after the period of limitation. The reasons and findings of the learned Reference Court in paragraph No.8 of the impugned judgment in this regard are legal and correct and no interference is warranted.

10 As far as awarding of the amount of compensation to the claimants is concerned, the learned Reference Court has considered the entire evidence on record and also by examining the number of pomegranate trees and other trees and awarded a just and reasonable amount of compensation.

11 As far as the market value of the acquired land is concerned, the learned Reference Court has considered the evidence of one Mr. Ambadas Deshmukh, who sold his agricultural land admeasuring 08 R on 10th March, 1989 to one Mr. Shivaji Deshmukh for the consideration of Rs.12,000/-. In his cross-examination, his evidence is not shaken. Admittedly, the acquired lands are situated at the bank of river. As per the 'E' Statement, it is found that the acquired lands are fertile lands and pomegranate trees were grown up there. Thus, after considering all these aspects, the learned Reference Court calculated the market value of the acquired lands at the rate of Rs.50,000/- per Acre, which is just and proper. There is no illegality and perversity in the impugned judgment and award. No interference is warranted. The appeal being devoid of merits, deserves to be dismissed. Hence, the following order:

ORDER

The first appeal is dismissed.

[SANJAY A. DESHMUKH, J.]