



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.1684 OF 2021
WITH
CIVIL APPLICATION NO.9043 OF 2021
IN FA/1684/2021

Nanded-Waghala City Municipal
Corporation, Nanded,
District Nanded,
Through its Commissioner. ... **Appellant.**

Versus

1. The State of Maharashtra,
Through Collector, Nanded.
2. The Special Land Acquisition Officer,
P. T. and M.I.W-2, Nanded.
3. Mahajan Noroba Solanke,
(Died through L.Rs.)
Prakash S/o Mahajan Solanke,
Age : 66 years, Occu. Agri.,
R/o Vajegaon, Tal & Dist. Nanded. ... **Respondents**

WITH

FIRST APPEAL NO.1446 OF 2022

Mahajan Noroba Solanke,
(Died through L.Rs.)
Prakash S/o Mahajan Solanke,
Age : 59 years, Occu. Agri.,
R/o Vajegaon, Tal & Dist. Nanded. ... **Appellant.**

Versus

1. Nanded-Waghala City Municipal
Corporation, Nanded, District Nanded,
Through its Commissioner.

2. The State of Maharashtra,
Through the District Collector,
Nanded.
3. The Special Land Acquisition Officer,
P. T. and M.I.W-2, Nanded. ... **Respondents**

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Advocate for Acquiring Body : Mr. R. K. Ingole.
AGP for Respondents/State : Mr. N. R. Dayma.
Advocate for Respondent/Claimant : Mr. S. R. Shirsat.

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CORAM : SHAILESH P BRAHME, J.

RESERVED ON : 11.11.2025

PRONOUNCED ON : 17.11.2025

JUDGMENT :

1. Heard both the sides finally with their consent.
2. First Appeal No.1684 of 2021 is preferred by acquiring body/Municipal Corporation, Nanded and First Appeal No.1446 of 2022 is preferred by original claimant challenging judgment and award dated 03.07.2020 passed in LAR.No.16 of 2011. For the sake of convenience, paper book of First Appeal No.1684 of 2021 is referred to.
3. The claimant's land measuring 5 R. from Survey No.6/2/1 was acquired for the purpose of J.N.N.U.R.M.

treatment plant, situated at Elechpur. The notification under Section 4(1) was published on 04.12.2008. Award was passed on 22.07.2010. SLAO awarded of Rs.3,600/- per R. Against that, LAR.No.16 of 2011 was preferred. The rate was enhanced to Rs.60,000/- per R. The enhancement is questioned.

4. Learned counsel for the appellant/acquiring body submits that the enhancement is perverse and arbitrary. It is submitted that market value has been calculated against the settled norms. The sale instance at Exh.25 is vulnerable. Considering the nature and potentiality of the land under acquisition, compensation awarded to the claimant is unjust and unreasonable.

5. Per contra, learned counsel Mr. Shirsat for the claimant submits that Reference Court did not properly appreciated the market value in the wake of sale transaction at Exh.25. It pertains that deduction of 70 % from the valuation of sale exemplar is patently illegal and unreasonable. It is submitted that Reference Court failed to appreciate the nature and potential of the land under acquisition. It was closer to State Highway and akin to Survey No.2/2. My attention is adverted

to survey map at Exh.30. It is vehemently submitted that appellants are entitled to rate of Rs.2,00,000/- per R.

6. I have considered rival submissions of the parties. I have gone through the record. Only sale instance produced in the matter is Exh.25, registered sale deed dated 10.03.2008. It pertains to Gut No.2/2 of Elechpur and to the extent of 2 R. land. The rate quoted in the sale deed is Rs.2,00,000/- per R. The sale instance is within one year preceding the notification under Section 4 of the Act. The recitals of the sale deed indicates that it was an agricultural land.

7. With the assistance of both the counsels, I have gone through record and proceedings. A survey map at Exh.30 indicates that Survey No.2 is abetting State Highway which is the subject matter of Exh.25. Survey No.6 is closer to State Highway but not abetting the same. The frontage which is available to survey No.2 is not available to Survey No.6 but the lands are from the same vicinity. The land under acquisition is also agricultural land.

8. The claimant has led oral evidence. No oral evidence was adduced by the acquiring body. It reveals that the sale

exemplar can be made applicable for determining the rate and the compensation. The vicinity in which the land is located is developed one having commercial, manufacturing activities and the residential houses. M.I.D.C. of Nanded is located at about 01 k.m. The land under acquisition is bigger in size than the land shown in Exh.25. It would definitely fetch more price than determined by the Reference Court.

9. The Reference Court has deducted 70% from the rate of sale deed at Exh.25 to arrive at Rs.60,000/- per R. It is incomprehensible as to on what basis the deduction is made to the extent of 70%. I find that claimant's land under acquisition may not fetch the price and the rate as that of sale exemplar considering the location and the frontage, but deduction of 70% is arbitrary and extremely on a lower side. In the absence of any contra evidence, I am inclined to hold that deduction of 50% is just and reasonable. Accordingly, the claimant is entitled to have the compensation and the enhancement. I find no merit in the appeal filed by the acquiring body. I, therefore pass the following order :

ORDER

- (i) First Appeal No.1684 of 2021 is dismissed.
- (ii) First Appeal No.1446 of 2022 is partly allowed.
- (iii) Save and except the substitution of the rate to the tune of Rs.1,00,000/- per R. for land Survey No.6/2/1 measuring 5 R. situated at Elechpur, Taluka and District Nanded, the rest of the award of the Reference Court in LAR.No.16 of 2011 is maintained.
- (iv) Appellant in First Appeal No.1446 of 2022 shall be entitled to enhanced compensation as referred above.
- (v) Award be drawn accordingly.
- (vi) In view of disposal of first appeals, pending civil application does not survive. Civil application as such is disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-