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56-FA-2357-2008

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

56 FIRST APPEAL NO. 2357 OF 2008

The State Of Maharashtra

VERSUS

Gopal Mahadujarao Thr Mrs Zumberbai Gopal And Ors.

AND

CIVIL APPLICATION NO. 8138 OF 2020

IN FA/2358/2008

AND

FIRST APPEAL NO. 2358 OF 2008

AND

FIRST APPEAL NO. 2356 OF 2008

AND

FIRST APPEAL NO. 2355 OF 2008

AND

FIRST APPEAL NO. 2354 OF 2008

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Mr. R. B. Dhaware, AGP for Appellant-State.

Mr. P. B. Palve, Advocate for Respondents.

Mr. D. R. Jaybhar, Advocate for Respondent No.1 in FA/2358/2008.

CORAM : KISHORE C. SANT, J.

DATE : 8th SEPTEMBER 2025.

PC :-

1. Heard learned Advocates for the parties.
2. These First Appeals arise out of common Judgment and Award

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dated 28th January 2005, passed by the learned Joint Civil, Judge Senior Division, Ahmednagar, in Land Reference Application Nos. 226-227-228-229-308 of 1992.

3. The respondents are the claimants, who had filed Land Acquisition References for enhancement of compensation under Section 18 of the Land Acquisition Act. A Notification under Section 4 came to be issued on 3rd December 1987. The lands of the claimants came to be acquired for percolation tank in the village Hivare Korda Tq. Parner Dist. Ahmednagar. The award came to be passed on 31st October 1990. The possession was taken on 14th December 1990. The particulars of the proceedings, measurement of the lands acquired and compensation awarded by learned SLAO and learned Reference Court are as below:-

Sr. No.	FA with CA No.	LAR No.	Land Acquired	SLAO Rate	Reference Court Rate
1	FA/2357/2008	226/1992	Gut No. 476, 0.88 R	Rs.8506/- Per R.	Rs.38104/- per R.
2	FA/2354/2008	227/1992	Gut No. 485, 0.45 R.	Rs.4206/- Per R.	Rs.19485/- per R.
3	FA/2356/2008	228/1992	Gut No. 487, 0.12 R & Gut No.490, 0.1 R.	Rs.1546/- Per R.	Rs.11245/- Per R.

4	FA/2358/2008	229/1992	Gut No.486,, 0.81 R.	Rs.10818/- per R.	Rs.70065/- per R.
5	FA/2355/2008	308/1992	Gut No.473, 0.15 R.	Rs.1500/- Per R.	Rs.12975/- per R.

4. The learned reference court enhanced the compensation as stated above, therefore, the appellant acquiring body is before this Court.

5. The learned AGP vehemently argued that the learned trial Judge failed to appreciate that the learned SLAO had rightly granted rate by considering the sale instances, situation of the land, quality of the land and other factors. The learned Court, however, erred in relying upon the evidence laid by the claimants and has enhanced the amount of compensation.

6. As against this, the learned Advocates appearing in respective appeals for respondent-claimant opposed the appeals. It is submitted that the learned trial Judge has rightly considered the evidence placed on record. There is sufficient evidence brought on record by the claimant to show that the rate awarded by the learned SLAO was inadequate and insufficient. Before the learned SLAO, no proper opportunity was given

to show the proper rate. The Court considered that the land in LAR No.229/1992 in FA/2358/2008 is bagayat land, as shown in the award itself. So far as LAR/226/1992 in FA/2357/2008 is concerned, before considering the evidence of applicant at Exh.20, it is recorded that there is no evidence to show that the land is bagayat. So far as LAR No.227/1992 in FA/2354/2008 is concerned, the court rightly considered the land is jirayat. So far as LAR/229/1992 in FA/2358/2008, LAR/228/1992 in FA/2356/2008, LAR/308/1992 in FA/2355/2008, in these lands, the court considered 7/12 extracts and has come to the conclusion about the quality of the land accordingly. The learned Court also relied upon the award passed in LAR No.4/91. The said judgment was at Exh.33. The Court further considered the judgment in LAR No.552/1993 at Exh.45, delivered by the same learned Judge in a different L.A. R..

7. The learned Judge determined the value of bagayat land of Rs. 36,000/- per Acre and jirayat land to be Rs.17,300/- per Acre. This court does not find any illegality or infirmity in the impugned judgment and

award.

8. The learned Advocates and learned AGP also produced on record a copy of order passed in Civil Application No.5696/2011 in FAST/8286/2011 alongwith companion matters from the same award. This court thus finds that there is no merit in the appeals. The appeals stand dismissed. No order as to costs.

9. It is pointed out that the amount is already deposited with the reference court and is lying there. In view of the judgment, the claimant shall be entitled to receive the amount of compensation alongwith accrued interest, if any, from the reference court.

10. With this, first appeal stands disposed off.

[KISHORE C. SANT, J.]