



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

906 FIRST APPEAL NO. 2055 OF 2016

1. The State of Maharashtra,
through Collector, Jalgaon.
2. The Special Land Acquisition Officer (2),
UTPH, Jalgaon.
3. The Executive Engineer,
Waghur Dam Division, Jalgaon.

... Appellants
(Ori. Respondents)

Versus

Tukaram Natthu Pardhi,
Age : Major, Occupation: Agriculture,
R/o. Chinchkheda Bk.,
Tq. Jamner, Dist. Jalgaon.

... Respondent
(Ori. Claimant)

...
WITH

FIRST APPEAL NO. 2054 OF 2016

1. The State of Maharashtra,
through Collector, Jalgaon.
2. The Special Land Acquisition Officer (2),
UTPH, Jalgaon.
3. The Executive Engineer,
Waghur Dam Division, Jalgaon.

... Appellants
(Ori. Respondents)

Versus

Yeshwant Motiram Patil,
Age : 45, Occupation: Agriculture,
R/o. Chinchkheda Bk.,
Tq. Jamner, Dist. Jalgaon.

... Respondent
(Ori. Claimant)

...
WITH

FIRST APPEAL NO. 2056 OF 2016

1. The State of Maharashtra,

through Collector, Jalgaon.

2. The Special Land Acquisition Officer (2),
UTPH, Jalgaon.

3. The Executive Engineer,
Waghur Dam Division, Jalgaon.

... Appellants
(Ori. Respondents)

Versus

Kamalbhai Kadu Chaudhari,
Age : Major, Occupation: Agriculture,
R/o. Chinchkheda Bk.,
Tq. Jamner, Dist. Jalgaon.

... Respondent
(Ori. Claimant)

...

Mr. B. A. Shinde, AGP for the Appellants in all the matters;
Ms. Sakshi Ajeet Kale h/f. Mr. Ajeet B. Kale, Advocate for Respondent
in all the matters.

...

CORAM : NEERAJ P DHOTE, J.

DATE : 26th NOVEMBER, 2025

ORAL JUDGMENT:-

1. Heard learned Advocate for the Appellants/State and learned Advocate for the Respondents-Claimants. Perused the papers on record.

2. These are the three Appeals filed under Section 54 of the Land Acquisition Act, 1894, (hereinafter referred to as "LA Act") against the common judgment and order/award dated 13.11.2009 passed by the learned Civil Judge Senior Division, Jalgaon (hereinafter referred to as "Reference Court") in the Land Acquisition Reference (LAR) Nos.461 of 2006, 478 of 2006 and 479 of 2006.

3. The house properties of the Respondents/Claimants situated at Village Chinchkheda Budruk, Taluka Jamner, District Jalgaon were acquired for the purpose of submergence under Waghur Dam. The notification under Section 4(1) of the LA Act was issued on 18.09.1999. The SLAO declared the award under Section 11 of LA Act on 16.11.2002. The SLAO affixed compensation @ Rs.85.00 per sq. mtr. for land and for construction as below:-

Table “A”

Sr. No.	LAR Number	House property number	Built up area (sq. meter)	Compensation awarded (Rs.)
1.	461/2006	116 (half share)	9.75	12256
3.	478/2006	214/1	68.00	86624
4.	479/2006	291	52.50	37104

4. Being not satisfied with the quantum of compensation determined by the SLAO, the Claimants preferred the above referred references under Section 18 of the LA Act for enhance compensation. They lead their respective evidence by examining themselves and the Government approved valuer. In support of their claim for enhance compensation, they relied on the two sale instances. The Appellant-State did not lead any evidence. By the impugned judgment and order/award, the learned Reference Court enhanced the compensation to Rs.600/- per sq. mtr. in LAR No.461 of 2006 and to Rs.400/- in LAR No.478 of 2006 and LAR No.479 of 2006 towards the land. For the

structure the learned Reference Court granted the rate as follows:-

Table “B”

Sr. No.	LAR Number	House property number	Built up area (sq. meter)	Percentage of deduction	Rate per meter (Rs.)
1.	461/2006	116 (half share)	9.75	60%	2400
3.	478/2006	214/1	68.00	60%	2200
4.	479/2006	291	52.50	70%	1050

5. There is no dispute in respect of the acquisition of the house property of the Respondents/Claimants for the aforesaid purpose. It is also not in dispute that the Petitioner/State did lead any evidence before the learned Reference Court. The SLAO determined the compensation on the basis of ready reckoner rates by discarding several sale instances. Learned Reference Court by placing reliance on the judgments in *Special Land Acquisition Officer Vs. Jasti Rohini*, 1995 AIR SCW 823 and *State of Maharashtra Vs. Baliram Girdhar Patil*, 2006 LAC 375 (Bombay), observed that the said approach of the SLAO was not legal and proper.

6. In support of their claim for enhance compensation, the Respondents/Claimants relied on the same instances dated 24.02.1999 and 04.03.1999. The evidence on record go to show and on which there is no dispute is that, both the sale instances are from the same village. Undisputedly and as his clear from the dates, both the said

sale instances were prior to Section 4 notification. In the sale instance, dated 24.02.1999, the land admeasuring 16.72 sq. mtr. was sold for Rs.10,000/- which shows the per sq. mtr. rate as Rs.598/-. In another sale instance, dated 04.03.1999, the land admeasuring 12.56 sq. mtr. was sold for Rs.10,000/- which shows per sq. mtr. rate as Rs.796. The learned Reference Court considered the rate of Rs.600/- per sq. mtr. for land area of the acquired house property in LAR No.461 of 2006 and rate in the LAR No.478 of 2006 and 479 of 2006 were restricted to Rs.400/- per sq. mtr. It is clear that, the rate enhanced by the learned Reference Court was based on the relevant sale instances. There is nothing to show that the said instance were not genuine. No fault can be found with the enhanced rate of compensation which was determined and awarded by the learned Reference Court to the Respondents/Claimants.

7. In respect of the structures on the acquired land, the Respondents/Claimants had examined the Government approved valuer. The learned Reference Court observed that while determining the value of the construction, the valuer had given very meagre depreciation between 5% to 7% and there was no uniformity in depreciation. By considering the compensation awarded by SLAO for the build up area in comparison with the rates shown by the expert valuer, the learned Reference Court considered the deductions shown

in the above referred Table “B”. The observations in the impugned judgment show that learned Reference Court has properly considered the various aspects of the matter and granted the said deduction towards the construction cost.

8. The impugned judgment show that, the learned Reference Court considered the parameters laid down by the Supreme Court in the case of *Chimanlal Hargovinddas Vs. Special Land Acquisition Officer, Poona & Anr.*, reported in AIR 1988 SC 1652, while deciding the references. The compensation enhanced by the learned Reference Court is based on the evidence available on record and calls for no interference in these Appeals. Eventually, the Appeals fail and hence the following order:-

ORDER

- (i). The Appeals stand dismissed.
- (ii). The record and proceedings be sent back to the learned Reference Court.
- (iii). Decree be drawn up accordingly.

(NEERAJ P. DHOTE, J.)