



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

FIRST APPEAL NO. 1920 OF 2012

The State Of Maharashtra And Others .. Appellants

Versus

Satish Manohar Shinde And Another .. Respondents

**WITH
X-OBJECTION (STAMP) NO. 20939 OF 2013
IN FA/1920/2012**

Satish Manohar Shinde And Another .. Appellants

Versus

The State Of Maharashtra And Others .. Respondents

**AND
FIRST APPEAL NO. 1918 OF 2012**

The State Of Maharashtra And Others .. Appellants

Versus

Shrimant Vitthal Shinde .. Respondents

**WITH
X-OBJECTION (STAMP) NO. 20935 OF 2013
IN FA/1918/2012**

Shrimant Vitthal Shinde .. Appellants

Versus

The State Of Maharashtra And Others .. Respondents

**AND
FIRST APPEAL NO. 1919 OF 2012**

The State Of Maharashtra And Others .. Appellants

Versus

Vasudeo Sambhaji Shinde .. Respondent

**WITH
X-OBJECTION (STAMP) NO. 20937 OF 2013
IN FA/1919/2012**

Vasudeo Sambhaji Shinde Died
Through L.Rs Kishor And Another .. Appellants

Versus

The State Of Maharashtra And Others .. Respondents

**AND
FIRST APPEAL NO. 1921 OF 2012**

The State Of Maharashtra And Others .. Appellants

Versus

Bankat Bandu Shinde .. Respondents

**WITH
X-OBJECTION (STAMP) NO. 31998 OF 2013
IN FA/1921/2012**

Bankat Bandu Shinde Died
Through L.Rs Bharat And Another .. Appellants

Versus

The State Of Maharashtra And Others .. Respondents

Mr. R. B. Dhaware, AGP for the Appellants.
Mr. V. V. Ingale, Advocate for Respondents/claimants.

CORAM : KISHORE C. SANT, J.

DATE : 10th SEPTEMBER, 2025.

PER COURT :-

- . Heard learned A.G.P and learned advocate for the parties.
2. The present appeals arise out of judgment and award passed by the learned Civil Judge Senior Division, Osmanabad dated 25.09.2009. Since all the appeals and cross objections are arises out of the same judgment, those are being disposed of by this common order.
3. The land of the claimants came to be acquired for construction of a circuit house at Dharashiv. A notification under section 4 of the Land Acquisition Act was issued on 20.01.1993. Award came to be passed on 20.01.1996. The learned S.L.A.O. awarded compensation at the rate of Rs. 2.33 per sq. ft. The learned Reference Court in references after deducting 30% of the amount towards development charges has enhanced the amount and granted compensation at the rate of Rs. 75/- per sq. ft.
4. The learned A.G.P vehemently argued that, the learned Reference Court has committed an error by enhancing the rate to

Rs. 75/- per sq.ft. which is exorbitant. The learned S.L.A.O. had rightly granted the rate by considering the situation of the land. The plots were quite away from the main city. It could not have fixed rate more than Rs. 25/-. The learned Reference Court has committed an error in accepting the valuer's report Exh. 36 to 38. The sale deed which was considered was of 1991 at Exh. 40. The same could not have been considered while considering the compensation for the present land. He thus prays for allowing the appeals by quashing and setting aside the impugned judgment and award.

5. The learned advocate Mr. Ingale for the claimants on the other hand vehemently argued that, in fact, the rate ought to have been granted as prayed for by the claimants in the reference. The lands acquired for the purpose of circuit house. The learned Reference Court though appreciated the evidence of the claimants, has failed to appreciated it completely. He submits that the claimants had produced the sale deed dated 18.03.1991. The Government approved valuer was also examined. Even copy of agreement to sale executed on 23.02.1989 is produced on record in respect of similarly situated land. He thus submits that the rate

ought to have been granted at the rate of Rs. 100/- per sq. ft.

6. This Court has gone through the judgment and award and the evidence. On going through the evidence it is seen that, the learned Reference Court considered the sale deed dated 18.03.1991 which is much prior to the date of notification under section 4 of the Land Acquisition Act. The learned Reference Court, therefore, has rightly considered the sale deed and arrived at a conclusion. There is nothing to show that the Government approved valuer's report was not acceptable. It is seen that, the learned Reference Court has considered all these facts. The learned Reference Court has rightly considered the judgments in the cases of (i) Shardamna Vs. Special Land Acquisition Officer¹ and (ii) Avinash Dhavaji Naik Vs. State of Maharashtra² and two other judgments.

7. This Court does not find any illegality or perversity in the impugned judgment and award. In the sale deed, consideration shown was Rs. 15,000/- for a plot admeasuring 160 sq.ft. Even considering that, the sale deed is for smaller piece of land, it needs

1 2007 ALL SCR 933

2 2009 ALL SCR 1790

to be kept in mind that present land is also acquired for the purpose of construction of circuit house where consideration was paid on the basis of per sq. ft. Therefore, this Court is not inclined to allow the appeals. No case is made out even for enhancement in the amount of compensation.

8. Considering the above, first appeals stand dismissed. Cross objections also stand dismissed. No order as to costs.

9. During the pendency of appeals, the Government has deposited entire amount of compensation in the office of this Court. 50% of the amount is withdrawn on furnishing undertaking and 50% amount is withdrawn on furnishing bank guarantee.

10. Since first appeals and cross objections are dismissed and as the amount is already withdrawn, the bank guarantee stands discharged.

(KISHORE C. SANT, J.)

PS.B.