



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

FIRST APPEAL NO.4298 OF 2016

Chaturabai w/o. Bhagwan Bhabat,
Age ; 50 years, Occ. Agri.,
r/o.Khadgaon, Tq. Sailu,
Dist.Parbhani

..Appellant

vs

1. The State of Maharashtra
Through Collector, Parbhani

2. The Special Land Acquisition Officer,
M.K.V. Parbhani

3. The Executive Engineer,
Nimna Dudhana Project Division,
Sailu

..Respondents

Mr.Sachin Kuptekar, Advocate for appellant
Mr.S.S.Dande, AGP for respondent nos.1 and 2
Mr.B.R.Surwase, Advocate for respondent no.3

CORAM : AJIT B. KADETHANKAR, J.
DATE : OCTOBER 14, 2025

JUDGMENT :-

Feeling aggrieved by the judgment and order dated 28.03.2007, passed by learned Civil Judge, Senior Division, Parbhani, in Land Acquisition Reference No.17 of 2006, the claimant – Chaturabai w/o. Bhagwan Bhabat has filed this First Appeal, seeking enhancement in compensation.

2. Heard Mr.S.V.Kuptekar, learned counsel for the appellant; Mr.Dande, learned AGP for respondent nos.1 and 2; and Mr.Surwase, learned counsel for respondent no.3 – acquiring body.

3. For the sake of convenience, the parties are referred to as per their factual status in the land acquisition reference.

Facts in brief:-

2. The claimant was owner of the agricultural land admeasuring 44 R in Gut No.79, village Khadgaon, Tq.Sailu, Dist. Parbhani. At the instance of respondent no.3, respondent nos.1 and 2 initiated compulsory acquisition process for the purpose of “Nimna Dudhana Right Canal Project”. The claimant’s land was made subject-matter of the said land acquisition. Section 4 notification under the Land Acquisition Act was published on 15.03.2001. The award was passed on 17.03.2005. The Special Land Acquisition Officer (S.L.A.O.) passed the award at the rate of Rs.73,000/- per hectare, i.e. Rs.730/- per R, i.e. Rs.32120/- in total. The claimant being dissatisfied with the compensation granted by the S.L.A.O. preferred Land Acquisition Reference No.17 of 2006 in the court of learned Civil Judge, Senior Division, Parbhani. Learned reference Court upon hearing the parties and after going through the

evidence on record enhanced the compensation from Rs.73,000/- per Hectare to Rs.1,10,000/- per hectare. As such, Rs.16,280/- came to be additionally granted by learned reference court. It is as against the compensation granted by the reference court, present appeal is filed by the appellant for enhancement.

Arguments of the appellant:-

3. Mr.Kuptekar, learned counsel for the appellant, would submit that the award itself and the enhancement also are too meager and inadequate. He would submit that subject-matter land was hardly 10 kms. from Mantha, 3 kms. from Sailu, 20 kms. from Godavari Dudhana Sahakari Sakhar Karkhana and 13 kms. away from Bageshwari Sahakari Sakhar Karkhana. He would submit that considering this, the fair compensation would have been at the rate of Rs.3,000/- per R instead of Rs.1,100/- per R. He would submit that the sale instances placed on record by the appellant at Exh.15 and Exh.16 are not considered by learned reference court. He would submit that if the said sale instances are considered it is clear that the rate of Rs.3 Lakhs per hectare could be the value of the subject-matter land. He would submit that if at all Rs.3 Lakhs per hectare is not held, at least, some amount nearer to Rs.3 Lakhs could have

been considered. Mr.Kuptekar would, therefore, submit that the enhancement be granted holding the rate at the rate of Rs.2 Lakhs to 3 Lakhs per hectare and in any case at least Rs.98,880/- be granted towards the compensation. He would further submit that such enhancement also be granted together with interest accrued thereon.

Arguments of the respondents:-

4. Mr.Surwase, learned counsel representing the respondent no.3 - acquiring body, would submit that learned reference court has granted adequate compensation to the claimant. He would further submit that at least 30 to 33 appeals filed by the acquiring body arising out of the claims from the same land acquisition proceedings and the award as also from the same and nearby villages, have been settled by the acquiring body in the National Lok Adalat. He would submit that the evidence tendered in the present matter was same as tendered by the claimants in those cases. Although the acquiring body had filed appeals in those cases, in view of the State Government valuation the appeals were settled waiving the challenge. He would further submit that the rate and value that was considered by learned reference court in those cases is same in the present matter. He would further submit that there is no reason for

enhancing the compensation granted in this case, as other claimants have not filed any appeal. With such submissions, Mr.Surwase, learned counsel for the acquiring body prays to dismiss the appeal.

5. Mr.Dande, learned AGP, adopts the arguments of Mr.Surwase, learned counsel for the acquiring body.

6. With the assistance of learned counsel, I have gone through the Record and Proceedings pertaining to the case in hand. Upon having heard the parties, I frame the following points for my consideration in the appeal:-

(i)	Whether learned reference court has committed any error in not granting compensation @ Rs.3,000/- per R. ?	No
(ii)	Whether the appellant has made out a case for interference in the finding of reference court ?	No
(iii)	What order ?	As per final order

Findings and Discussion:-

7. The claimant has relied upon a sale deed (Exh.15) dated 16.08.1991. The instrument reveals that the land admeasuring 9 R was sold for Rs.20,000/-. It is also seen that a well is situated in that land. This land seems to be situated in Gut No.360 of village Satona. The claimant also relied upon another sale instrument (Exh.16)

dated 20.05.2000. It is in respect of 70R land sold out of Gut No.510, at Village Satona, for total consideration of Rs.1,75,000/-. The claimant on the basis of these two sale instances claims compensation at the rate of Rs.3 Lakhs per hectare. It is pertinent to note that the claimants did not demonstrate as to how those sale instances were relevant to the case in hand. Neither relevancy is shown nor any material was placed on record showing similarity between the lands under sale and the land under acquisition. I am of the considered view that mere placing of the sale instances itself would not stand to the benefit of the claimant unless any relevancy or similarity is demonstrated in between the subject-matter land and the lands under the sale instances. In my view, learned reference court cannot be said to have erred in discarding the sale instances (Exhs.15 and 16). It is pertinent to note that the claimant placed on record a certified copy of the judgment and order dated 30.10.2006, passed in Land Acquisition Reference No.10 of 2005 that was in respect of the land gut no.23 of village Gomewakadi. The said document is marked at Exh.18. Learned counsel for the claimant in the reference proceedings relied upon the said document, which reveals that the reference court therein enhanced the compensation from Rs.76,000/- per hectare to Rs.1,10,000/- per hectare. Learned reference court has also taken into consideration that the S.L.A.O.

scrutinised nine sale instances from village Khadgaon wherein he found minimum price at the rate of Rs.67,200/- per hectare to maximum price at the rate of Rs.80,000/- per hectare. Learned reference court seems to have disapproved the rate of Rs.73,000/- per hectare held by the S.L.A.O. and pleased to accept the evidence tendered by the claimant at Exh.18. The reference court as such considered the rate of the subject-matter land at Rs.1,10,000/- per hectare in view of the evidence relied upon and tendered by the claimant.

8. In view of the above, I find no error on the part of learned reference court or any perversity in the judgment and order impugned herein so as to cause any interference in the findings rendered by the learned reference court. As I have held (supra), the claimant although relied upon some sale instances, which showed valuation of the subject-matter land therein on higher side, failed to establish any relevancy or similarity in between such land and the subject-matter land under acquisition. On the other hand, learned reference court has accepted the evidence tendered by the claimant herself and has granted enhancement accordingly at the rate of Rs.1,10,000/- per hectare. I do not accept the argument of the acquiring body that merely because the acquiring body waived its

claim in the appeals in the other matters and that the other claimants have not filed any appeal for enhancement, the appellant could not maintain the appeal. It is a choice of the claimant and an individual whether to prefer an appeal or not. The choice of other claimant not to go in appeal cannot take away the right of the present appellant to lodge the appeal for enhancement. The settlement in the Lok Adalat was obviously at the behest of the State Government as the valuation in those appeals was below four times of the market value as per the Government policy referred in the Government Resolution dated 03.11.2016 and the corrigendum dated 23.02.2017 and 13.08.2018.

9. However, for the reasons recorded above, I do not find any merit in the instant First Appeal and as such, the same stands dismissed. No costs.

[AJIT B. KADETHANKAR, J.]

KBP