



THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**FIRST APPEAL NO. 554 OF 2008**

Satish S/o Dhondiram Malshette,  
Age 33 years, Occupation agriculture,  
R/o Hadolti, Taluka Ahmedpur,  
District Latur.

**... Appellant**  
(Ori. Claimants)

**VERSUS**

- 1) The State of Maharashtra,  
Through Collector, Latur.
- 2) The Superintendent of Police Latur.  
District Latur.

**... RESPONDENTS**

...  
Mr. Ashwin V. Sakolkar, a/w Mr. H. B. Nandagavale, h/f for Mr. V. G.  
Sakolkar, Advocates for Appellant.

Mr. D. J. Patil, AGP for Respondents.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 04<sup>th</sup> December, 2025.

**ORAL JUDGMENT:**

1 This appeal is preferred by the claimant against the  
judgment and award dated 28<sup>th</sup> August, 2007 passed by the learned

Reference Court, Ahmedpur, District Latur in LAR No.355 of 2002.

2 Both the sides are heard.

3 The learned counsel for the appellant pointed out that agricultural land bearing Block No.169, admeasuring 40 R (43560 square feet), situated at village Hadolti, Tahsil Ahmedpur, District Latur, was acquired for the purpose of construction of Police Out Post.

4 The learned counsel for the appellant pointed out that the LAO granted Rs.70/- per square meter (i.e. Rs.7/- per square foot). The learned Reference Court enhanced the amount of compensation and awarded Rs.140/- per square meter (i.e. Rs.14/- per square foot). He submitted that the sale instances were not properly considered by the learned Reference Court. He pointed out the three sale instances at Exhibits 15, 16 and 17 and also the village map at Exhibit-24. He pointed out the reasons given by the learned Reference Court, which lack the reasons for awarding lesser amount of compensation than the amount mentioned in the sale instances. He submitted that the land was admittedly acquired for the purpose of construction of Police Out Post, however, it is adjacent to the Latur-Mukhed State Highway. Therefore, deduction of land for development is not justifiable. This

fact was not considered by the learned Reference Court. He submitted that by the sale instance Exhibit-16, dated 24<sup>th</sup> August, 1999, pertaining to the same village (Survey No.57, land admeasuring  $25 \times 24 = 600$  square feet), the land was sold for the consideration of Rs.30,000/-. He submitted to rely upon the said sale instance and award an amount of Rs.50/- per square foot as enhanced amount of compensation for the acquired land. He lastly submitted to allow the appeal.

5           The learned AGP strongly opposed the appeal and submitted that the area of sale instance Exhibit-16 is only 600 square feet and for such a small piece of land, purchaser may pay more price. He, therefore, submitted to not to rely upon the sale instance Exhibit-16. He lastly submitted to dismiss the appeal.

6           The learned AGP, in the alternative, submitted that if the sale instance Exhibit-16 is relied upon as it shows the highest price,  $\frac{1}{3}^{\text{rd}}$  amount out of the said amount of consideration has to be deducted on the ground of development charges as the acquired land in question is 43560 square feet only.

7           On perusal of the impugned judgment and award, this

Court find that the learned Reference Court though referred these three judgments alongwith the village map, came to the conclusion on its own merits without assigning reasons as to why the said three sale instances are not reliable pieces of evidence.

8           It is well settled that the sale instance of highest price needs to be believed and on the basis of the same, the amount of compensation needs to be awarded, as per the judgment in the case of ***Mehrawal Khewaji Trust (Regd.) Faridkot and Ors Vs. State of Punjab and Ors, AIR 2012 Supreme Court 2721***. Therefore, the sale instance at Exhibit-16 can be safely relied upon while awarding the amount of compensation to the appellant/claimant. However, considering that the area of the sale instance at Exhibit-16 was 600 square feet and the area of the acquired land of the appellant / claimant is 43560 square feet, a deduction at the rate of 30% of sale consideration would be just and proper, in accordance with the judgment of the Honourable Supreme Court in the case of ***Mehrawal Khewaji Trust (Regd.) Faridkot and Ors*** (supra).

9           Considering the peculiar facts of this case, a deduction of 30% amount would be just and proper. Upon deducting 30%, the amount of compensation for the acquired land comes to Rs.35/- per

square foot, which the claimant is entitled as compensation. The reasons and findings of the learned Reference Court are not found legal and correct. Therefore, interference is warranted in the impugned judgment and award. The appeal, therefore, deserves to be allowed and the impugned judgment and award deserves to be partly set aside. Hence, the following order:

### **ORDER**

- I. The appeal is partly allowed.
- II. The impugned judgment and award is partly set aside and modified as under:-
  - a) The claimant is entitled for compensation at the rate of Rs.35/- per square foot.
  - b) The claimant is further entitled for statutory benefits like interest etc. as per the Land Acquisition Act.
  - c) Rest of the judgment and award stands confirmed.
  - d) Award be drawn up as per the above modification.

- III. The respondents are directed to deposit the enhanced amount of compensation alongwith statutory benefits, in this Court within a period of 12 weeks from today.
- IV. If the court fees is not paid, on payment of court fees, the enhanced amount of compensation be paid to the appellant-claimant.

**[ SANJAY A. DESHMUKH, J. ]**

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