



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

FIRST APPEAL NO. 1059 OF 2014

Narsing Pandurang Alange

.. Appellant

Versus

The State Of Maharashtra And Others

.. Respondents

AND

FIRST APPEAL NO. 1054 OF 2014

Bhaguram Pandurang Alange

.. Appellant

Versus

State Of Maharashtra And Others

.. Respondents

AND

FIRST APPEAL NO. 1055 OF 2014

Chandbee Abdul Shaikh

.. Appellant

Versus

State Of Maharashtra And Others

.. Respondents

AND

FIRST APPEAL NO. 1056 OF 2014

Govind Ramrao Alange

.. Appellant

Versus

State Of Maharashtra And Others

.. Respondents

**AND
FIRST APPEAL NO. 1057 OF 2014**

Maruti Ramrao Alange .. Appellant

Versus

State Of Maharashtra And Others .. Respondents

**AND
FIRST APPEAL NO. 1058 OF 2014**

Ram Maruti Alange .. Appellant

Versus

State Of Maharashtra And Others .. Respondents

Mr. Shashikiran N. Patil, Advocate for the Appellants in all matters.

Mr. R. B. Dhaware, AGP for Respondents/State in all matters.

CORAM : KISHORE C. SANT, J.

DATE : 15th SEPTEMBER, 2025.

PER COURT :-

. Heard learned advocate for the claimants and the learned A.G.P. for the respondents/State.

2. By way of these appeals, the appellants – original claimants have approached this Court seeking enhancement in the amount of compensation awarded by the learned Reference Court in respective land acquisition references as per the chart given below

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Sr. No.	L.A.R. No.	Name of Claimants	Sy. No.	Area H.R.	Amount paid by L.A.O. of land
1	349/2006	Narsing s/o Pandurang Alange	161 164	03 R 58 R	Rs. 3,829/- Rs. 82,215/-
2	350/2006	Govind s/o Ramrao Alange	164 164	1 H 66 R 36 R	Rs. 2,35,305/- Rs. 51,030/-
3	351/2006	Tanaji s/o Sambhaji Wante	164	41 R	Rs. 58,117/-
4	352/2006	Chandbee Abdul Shaikh	164	40 R	Rs. 56,700/-
5	353/2006	Maruti Ramrao Alange	164	1 H 30 R	Rs. 1,84,275/-
6	354/2006	Bhaguram Pandurang Alange	164	18 R	Rs. 25,515/-
7	355/2006	Ram Maruti Alange	162	81 R	Rs. 1,03,401/-

3. The learned S.L.A.O. had granted compensation at the rate of Rs. 875/- per R. to irrigated land and Rs. 788/- per R to seasonally irrigated land. The same is enhanced to Rs. 2000/- per R for irrigated land and Rs. 1750/- per R. for seasonally irrigated land by the impugned judgment and award dated 03.03.2011. While enhancing the amount of compensation the learned Trial Judge considered two sale instances Exh. 19 and Exh. 20 dated 02.01.2001 and 31.07.2001 respectively. Both the sale instances are of 11 R land for consideration of Rs. 65000/- which comes to Rs. 5900/- per R. and has awarded the rate of Rs. 2000/- per R for irrigated land.

4. The learned advocate for the appellants vehemently argued

that, when the sale instances show the rate of Rs. 5900/- per R., there was no reason for the learned Trial Court to award compensation at a lesser rate which is less than even 50% of the rate shown in the sale instances. There was evidence of the claimant Maruti Alange in L.A.R. No. 353/2006 which was considered in all the references by proving the sale instances. In the cross-examination there is nothing to disbelieve the said witness. The learned Trial Court, however, awarded the rate only by observing that the land in the sale instances is a small piece of land of 11 R whereas, the total land acquired in all these six appeals is of 5 H and 37 R. He thus submits that, it was necessary for the learned Trial Judge to accept the rate as per the sale instances. For that purpose he relies upon the following judgments :

(I) Prema Pramodkumar Laddha and Ors. Vs. The State of Maharashtra and Ors. reported in MANU/MH/1633/2019.

(II) Dhondiba Sakharam Thange Vs. The State of Maharashtra reported in MANU/MH/1634/2003.

(III) Raghunath Baba Pathare and Ors. Vs. State of Maharashtra reported in MANU/MH/1385/2009.

5. The learned A.G.P vehemently opposes the appeals. He

submits that, the learned S.L.A.O. had rightly awarded the compensation by considering all relevant factors such as earlier sale instances and situation of the land. There was no reason for the learned Trial Court to enhance the amount of compensation. The learned Trial Court has liberally granted the enhancement.

6. After hearing the parties, this Court has gone through the evidence. Exh. 19 is the sale deed showing that 11 R land is purchased for an amount of Rs. 65,000/- from land Gat No. 163 of village Kanheri. The land was purchased by one Babruwan Bhojane from Maruti Alange i.e. claimant whose evidence was recorded. The said land is from land Gat No. 163 whereas, the present lands are from Gat No. 164 of the same village. From the record it is seen that, well is situated in land Gat No. 164 and the land is therefore considered as irrigated land. As it is, there is no dispute about the nature of the land. The dispute is only about the rate.

7. In the case of Prema Pramodkumar Laddha (*supra*), this Court considered that, even if the sale instance is of small piece of land, still the same can be considered.

8. In the present cases, the sale instances are of 02.01.2001 and 31.07.2001 whereas, notification under section 4 of the Land Acquisition Act was issued on 08.11.2002. Thus, the first sale instance is almost two years prior to the notification and another sale instance is about one and half years prior to the notification. There is no difficulty in accepting the sale instances to be genuine

9. In the case of Dhondiba Sakharam Thange (*supra*), this Court has again considered that, merely because the sale instance is of small area is no reason not to accept the rate.

10. In the case of Raghunath Baba Pathare (*supra*), also the same principle is reiterated by this Court.

11. This Court finds that, only evidence before the learned Trial Court to decide the rate was in the nature of two sale instances. From the cross examination of Maruti it is seen that, there is not even a suggestion given that there are other sale instances available from the said village. It is also not a case of the respondent – acquiring body that, there are other sale instances taken place in the village prior to acquisition. This Court thus finds that there is no difficulty in accepting the rate of Rs. 5900/-.

However, this Court finds that, it would be necessary to deduct 25% amount. The rate would come to Rs. 4425/- per R. There shall be escalation of Rs. 10% per R. Thus, this Court finds that, fair and adequate compensation would be at the rate of Rs. 5310/- per R. Hence, following order :

ORDER

(I) The first appeals stand partly allowed.

(II) In First Appeal Nos. 1059/2014, 1056/2014, 1057/2014 and 1058/2014 the land is considered as irrigated land. The claimants – appellants are entitled to receive compensation at the rate of Rs. 5310/- per R for irrigated land.

(III) In First Appeal Nos. 1054/2014 and 1055/2014, the claimants – appellants are entitled to receive compensation at the rate of Rs. 3983/- per R.

(IV) Fresh award be passed. The compensation be paid within a period of twelve (12) weeks from today deducting the amount already paid from the date of award in view of the judgment in the case of **State of Maharashtra Vs. Kailash Shiva Rangari**

reported in 2016 (3) Mh.L.J. 457. Needless to say that, the appellants shall be entitled to get all the statutory benefits except for a period of delay, if any, caused in filing these appeals.

(V) With this, first appeals stand disposed of.

(KISHORE C. SANT, J.)

P.S.B.