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

FIRST APPEAL NO.966 OF 2014

**MUNICIPAL CORPORATION, AURANGABAD
VS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
FIRST APPEAL NO.967 OF 2014**

**MUNICIPAL CORPORATION, AURANGABAD
VS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. A. P. Bhandari, Advocate for the appellants
Mrs. A. S. Deshmukh, AGP for the respondents/State
Mr. S. S. Londhe, Advocate for the respondent Nos. 2(1) to 2(4)

CORAM : KISHORE C. SANT, J.

RESERVED ON : 25th JUNE, 2025

PRONOUNCED ON : 17th JULY, 2025

P. C.

1. Municipal Corporation, Chhatrapati Sambhajinagar has approached this court by filing these appeals. Both the appeals are arising out of the proceeding under Section 18 of the Land Acquisition Act. Since both the appeals are taken together.

2. The appeal No. 966/2014 is against the judgment and award passed by the learned Civil Judge, Senior Division (Corporation Court) at Aurangabad in LAR No. 15/2010 dated 28-08-2012. The Appeal No. 967/2014 is filed challenging the judgment on the same day by the same court in LAR No. 17/2010.

3. The facts common in both the appeals are that the State of Maharashtra issued notification under Section 4(1) of the Land Acquisition Act (Hereinafter referred to as 'The Act') for acquisition of the land of the respondents original claimants for construction of 80 fts wide road under development plan. Notice under section 9(3)(4) of the Act came to be issued to the claimants. The claimants, therefore, filed claim. By notice under section 12(2) of the Act, claimants were informed about the award dated 05-04-1992. In First Appeal No. 966/2014, the amount of compensation awarded was Rs.4,82,479/- and in First Appeal No. 967/2014 it was Rs.2,26,149/-. The claimants, therefore, approached the authority by filing reference.

4. The land acquired in appeal No.966/2014 is from City Survey No. 18761 and 18765 total area acquired is 3367.20 sq. mts. The SLAO awarded the compensation at the rate of Rs.80/- per sq. mtr to the land CTS No. 18765. Rs. 100/- per sq. fts is awarded to the property CTS No. 18761.

5. In first appeal No. 967/2014 land acquired is from City Survey No. 18762 adm. 1575 sq. mts.. Rate given was Rs.90/- per sq. mtr.

6. In the claim petitions the learned court considered the evidence on record. It is observed that the learned LAO has considered only three sale instances out of eight sale instances which were made available, while determining the compensation. The sale instances are given as below:

Sr. No.	Date	Area in Sq. Mtr.	Valuation per Sq. Mts
1.	09-09-1986	115.53	Rs.250.01
2.	12-07-1989	139.40	Rs.192.33
3.	14-03-1988	65.50	RS.138.35

7. The learned reference court relied upon the sale instance at Sr. No.2 i.e. dated 12-07-1989, where valuation was shown to be 192.33/- per sq. mtr. The learned trial Judge on considering the evidence came to a conclusion that proper compensation would be @ Rs.192.33 per sq. mts. which is rounded to Rs.192/- per sq. mts. and determined the compensation.

8. The learned Advocate Mr. Bhandari, vehemently argued the appeals. He submits that sale instances considered by the court, were of small pieces of land where naturally more rate is given. In the present cases, area acquired was bigger than the area of the sale instances. The learned trial Judge ought to have considered that consideration for bigger plot is lesser compared to smaller plot. The rate awarded is more than double in two cases i.e. in respect of the land Survey No. 18761 and 18765. He, thus submits that both the judgments deserve to be quashed and set aside by holding that reference court has awarded compensation at excessive rate and that the learned LAO had

rightly granted adequate and sufficient compensation.

9. The learned advocate for the respondents-claimants opposed the appeals. It is submitted that in fact the claimants had claimed the compensation @ Rs. 500/- per sq. mtr. The court has partly allowed the award and fixed the price around Rs.500/- sq. mtr. The court has wrongly relied only on one sale instance when in fact, there is one more sale instance at Sr. No. 9 wherein valuation was shown to be Rs.250.01/- per sq. mtr. in sale deed dated 09-09-1986. He further, submits that it is the duty of the court to award adequate and sufficient compensation. Though the claimants have not filed the appeal, their claim can be considered in the present appeals. He, prays for dismissal of the appeals.

10. The learned AGP supports the case of the appellants.

11. This court has considered the submissions and record available. It is seen that the learned reference court has

relied upon sale instance of 1989 i.e. prior to issuance of notification under Section 4(1) where the rate shown Rs.192.33 per sq. mts. This court does not find any merit in the submission of the learned advocate for the appellants that area of the land under acquisition is bigger than the area of the plot in the sale instance. There is nothing to show that sale instance is for exorbitant consideration. This court does not find any perversity, illegality in the judgments. There is nothing on record to show that the compensation awarded is excessive. In view of above, this court finds that there is no merit in the appeals. The appeals therefore deserve to be dismissed and hereby dismissed.

12. During the course of the argument it is submitted that claimants have already withdrawn the amount by furnishing surety/security. Since the appeals are dismissed, the said sureties/securities stands discharged. No order as to costs.

[KISHORE C. SANT, J.]