



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 FIRST APPEAL NO. 2473 OF 2010

Shobhabai w/o Raosaheb Jadhav
Age 47 years, Occ. Household
R/o. Hasuri (Kh), Nilanga
District Latur
at present C/o Shriram Ramtirth
R/o. Bhootmugali, Tq. Nilanga
District Latur

...Appellant
(Ori. Claimant)

Versus

1. The State of Maharashtra
Through District Collector
Latur
2. The Executive Engineer
Minor Irrigation,
Zilla Parishad, Latur

...Respondents
(Ori. R Nos. 1 & 2)

Advocate for Appellant : Mr. R.K. Ashtekar
AGP for Respondents: Mr. D.J. Patil

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 19th NOVEMBER 2025

ORAL JUDGMENT :-

1. This appeal is preferred against the judgment and award dated 19.07.2010, passed by the learned Civil Judge, Senior Division, Nilanga, in L.A.R. No. 383 of 2002, whereby the land reference was partly allowed.

2. Learned advocate for the appellant pointed out that the land bearing survey No. 24 to the extent of 2 Hectare 25 Are, situated at village Hasuri (Kh), Tq. Nilanga, district Latur, was acquired for construction of a percolation tank. He submitted that the learned reference court failed to appreciate the sale instance at Exh.26 and come to the wrong conclusion and awarded a meager amount of compensation. He lastly submitted to allow the appeal by setting aside the impugned judgment and award.

3. Learned A.G.P. for the respondents strongly opposed the appeal and submitted that the reasons and findings of the reference court are legal and correct and there is no scope for interference with the impugned judgment and award. He lastly prayed to dismiss the appeal.

4. Perused the record and proceedings, particularly the evidence adduced by the claimants i.e. the sale instances at Exh. 26, 32 and 33. The following points emerged for consideration:-

- i) Was the learned reference court legal and correct in awarding the compensation to the claimant at the rate of Rs.528/- per Are?
- ii) What order?

5. On perusal of sale instances at Exh.26, 32 and 33, it is crystal clear that the sale instance at Exh.26 is from one and the same village. The land of the appellant is acquired from survey No.24. The sale instance at Exh.26 is in respect of land survey No.50/A admeasuring 2 acres 20 gunthas, which was sold for a consideration of Rs.60,000/-. It is well settled that the highest price of the sale instance out of all the instances is to be considered. However, the reference court in para 8 of the judgment held that the land in the instance relied upon by claimant as well as respondents below Exh.32 and 26 appears to be genuine and comparable to the sale instance. The reference court discarded the sale instance relied upon by the respondents below Exh.33. However, the learned reference court wrongly held that the land of the father of the purchaser of the sale instance at Exh.26 is adjacent to the said land and therefore, the reference court reduced 20% price out of the sale instance Exh.26, illegally. There is no legal or factual justification for reducing the said 20% price out of the sale instance at Exh.26. In this way, the reference court erred in determining the market price of the land of the appellants. If the said amount of compensation is considered as it is, as per the sale instance Exh.26, then it comes to Rs.600/- per Are, for which the claimant is entitled to just compensation for the acquired land. The total land acquired is 2 Hectare and 25 Are. The

claimants therefore are entitled for total compensation of Rs.1,35,000/- with all statutory benefits which are already granted by reference court i.e. 15% and 9% interest etc. To this extent, interference is warranted in the impugned judgment. Therefore, point No.1 is answered in the affirmative. The impugned judgment and award deserves to be partly set aside. The appeal deserves to be partly allowed. Hence, the following order:-

O R D E R

- I. The first appeal is partly allowed.
- II. The impugned judgment is partly set aside.
- III. The claimant is entitled for compensation at the rate of Rs.600/- per Are for the acquired land which comes to Rs.24000/- per acre with statutory benefits and interest etc.. The total land acquired is 2 Hectare and 25 Are. The claimants therefore are entitled for total compensation of Rs.1,35,000/- with all statutory benefits which are already granted by the reference court i.e. 15% and 9% interest etc.
- IV. The claimants to pay deficit court fees on the enhanced amount of compensation.
- V. The appeal is allowed and disposed of in the above terms.

(SANJAY A. DESHMUKH, J.)