



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

959 FIRST APPEAL NO. 217 OF 2013

RAM GOVIND GUDLE

VERSUS

THE STATE OF MAH AND ORS

WITH

CIVIL APPLICATION NO. 3743 OF 2020

IN FA/218/2013

OSMAN MEHTAB SHAIKH

VERSUS

THE STATE OF MAHARASHTRA

WITH

FIRST APPEAL NO. 220 OF 2013

LAXMIBAI SATYAWAN PUNDKARE AND ANR

VERSUS

THE STATE OF MAH AND ORS

WITH

FIRST APPEAL NO. 218 OF 2013

OSMAN MEHTAB SHAIKH

VERSUS

THE STATE OF MAH AND ORS

WITH

FIRST APPEAL NO. 219 OF 2013

VIMLABAI TRIMBAK KARMUDE

VERSUS

THE STATE OF MAH AND ORS

WITH

FIRST APPEAL NO. 221 OF 2013

DHANRAJ TRIMBAK KARMUDE

VERSUS

THE STATE OF MAH AND ORS

Mr. S.P. Tiwari h/f. Mr. S.J. Gayke, Advocate for the appellants.
Ms. Chaitali Choudhari Kutti, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 09.09.2025

PC :-

01. Heard learned Advocate for the parties. Present appeals are filed by the original claimants, challenging judgment and award dated 06.09.2012 in respective LARs. By way of the impugned judgment and award, the references to the present appellants came to be dismissed with costs. The lands of the appellants from village Kumbharwadi, Tq. Renapur, Dist. Latur, came to be acquired for percolation tank in the same village to the extent mentioned in the chart below :-

Sr.No.	First Appeal No.	LAR No.	Land Acquired
1	217 OF 2013	54 OF 2010	1H 10 R
2	218 OF 2013	54 OF 2010	0.45 R
3	219 OF 2013	54 OF 2010	0.77 R
4	220 OF 2013	54 OF 2010	1H 96 R
5	221 OF 2013	54 OF 2010	0.58 R

02. Learned Special Land Acquisition Officer (SLAO) granted compensation @ Rs. 48,000/- per acre. In the reference, the claimant claimed compensation @ Rs. 2,50,000/- per acre, stating that their lands are seasonally irrigated lands. They also claimed compensation for well etc. by giving evidence.

03. The learned Reference Court, however, dismissed the references. The learned Advocate Mr. Tiwari h/f. Mr. Gayke vehemently argued that the learned Reference Court has failed to appreciate the evidence in proper perspective. The claimants had produced on record sale instance (Exh. 21 and 22) showing that the land was purchased @ Rs. 2,50,000/- per acre. However, same is discarded. He further submits that same Judge while deciding other land reference i.e. Land Acquisition Reference No. 323 of 2009 granted compensation @ Rs. 2,50,000/- per acre considering to be jirayat land. In those references, he considered judgment in Land Acquisition Reference No. 861 of 2006. Said reference was arising out of same acquisition proceeding for the same project, from the same village. He submits that in view of this, present appellants should have been given compensation @ Rs. 3,00,000/- per acre as their lands were seasonally irrigated lands. He, thus, prays for allowing the appeals.

04. The learned AGP vehemently opposes the appeals. She submits that the Reference Court has already dismissed the references. There is no evidence produced on record to show that the value of the land was more than the compensation granted by the SLAO. The sale

deeds Exh. 21 and 22 are rightly discarded by the Court. For the reasons stated in the judgment, she submits that no case is made out to allow the appeals.

05. This Court has gone through the record and proceedings. It does appear that in the present references, the learned Reference Court has observed that the sale-deeds produced on record is not from the same village and therefore cannot be considered. It is further observed that there is nothing on record to show that the appellants – claimants accepted the compensation under protest. The appellant did not appear on 18.12.2007, when they were directed to appear. It is observed that the claimants could not show income from the land. The sale-deed is from another village and is only of 15 R land. Said land is 6 kms away from the land acquired. The judgment in LAR No. 861 of 2006 was also discarded saying that the lands are from village Kharola. When those lands acquired are through from Kharola, present lands are dry lands. With this observation, it is seen that the LAR No. 323 of 2009 and other LARs were allowed.

06. This Court finds that within a period of one month the learned Reference Court has given contrary judgment. Exh. 21 was not

considered as it was executed on 22.09.2005 i.e. after Section 4 Notification and the land happens to be irrigated land. This Court finds that when in earlier references in respect of lands similarly situated, the Reference Court has granted rate of Rs. 2 lakhs per acre, present appellants also need to be held entitled to receive compensation at the same rate.

07. Considering the above, this Court is inclined to allow the References. The appeals are allowed accordingly. The SLAO is directed to draw fresh award by granting compensation @ Rs. 2,00,000/- (Rupees Two Lakhs) per acre to the present appellants. The decree be drawn up accordingly. Needless to say that the claimants shall be entitled to receive all statutory benefits from the date of initial award.

08. In view of disposal of the First Appeals, pending Civil Application does not survive and is disposed off accordingly.

[KISHORE C. SANT, J.]