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

FIRST APPEAL NO.3953 OF 2016

1. Shri. Laxman Ramdas Patil
Age-60 Years, Occupation-Agriculture,
2. Smt. Sitabai Ramdas Patil (Dead)
3. Smt. Kamalbai Ramesh Patil
Age-68 Years, Occupation-Household
4. Smt. Vimalbai Sahebrao Patil
Age-66 Years, Occupation-Household
5. Smt. Vijayabai Kashinath Patil
Age-54 Years, Occupation-Household
6. Smt. Surekhabai Dilip Patil
Age-52 Years, Occupation-Household

All are residing at Piloda, Tal. Shirpur,
Dist. Dhule

.. Appellants
(Ori. Applicants)

Vs

1. The State of Maharashtra
Through Collector Dhule,
Collector Office Premises, Dhule,
Dist. Dhule
2. The Sub-Divisional Officer Shirpur
Sub-Divisional Office Premises,
Shirpur, Taluka Shirpur, Dist. Dhule
3. The Executive Engineer,
Hatnoor Canal Division Chopada,
Chopada, Dist. Jalgaon

... Respondents
(Orig. Opponents)

.....
AND

FIRST APPEAL NO.3954 OF 2016

Shri. Mahendra Ramdas Patil
Age-40 Years, Occupation – Agriculture,
Residing at Piloda, Tal. Shirpur Dist. Dhule

... Appellant
(Ori. Applicant)

..2..

Versus

1. The State of Maharashtra
Through Collector Dhule,
Collector Office Premises,
Dhule, Dist. Dhule
2. The Sub-Divisional Officer Shirpur,
Sub-Divisional Office Premises,
Shirpur, Taluka Shirpur, Dist. Dhule
3. The Executive Engineer,
Hatnoor Canal Division Chopada,
Chopada, Dist. Jalgaon

...Respondents
(Orig. Opponents)

.....
AND

FIRST APPEAL NO.3955 OF 2016

Shri. Ravindra Ramdas Patil
Age 42 years, Occ. Agri.
R/o. Piloda, Tq. Shirpur, Dist. Dhule.

..Appellant
(Orig. Applicant)

Versus

1. The State of Maharashtra
Through Collector Dhule,
Collector Office Premises,
Dhule, Dist. Dhule.
2. The Sub-Divisional Officer Shirpur,
Sub-Divisional Office Premises,
Shirpur, Tq. Shirpur, Dist. Dhule.
3. The Executive Engineer,
Hatnoor Canal Division Chopda,
Chopda, Dist. Jalgaon

..Opponents

....
WITH

CIVIL APPLICATION NO.13249 OF 2016

IN

FIRST APPEAL NO.3955 OF 2016

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AND

FIRST APPEAL NO.3956 OF 2016

1. Shri. Gokul Tukaram Patil
Age-42 Years, Occupation - Agriculture
2. Shri. Ravindra Tukaram Patil
Age-40 Years, Occupation - Agriculture
3. Smt. Vaijayantabi Tukaram Patil
Age-39 Years, Occupation - Household

All are residing at Piloda, Tal. Shirpur,
Dist. Dhule

... Appellants
(Ori. Applicants)

Vs

1. The State of Maharashtra
Through Collector Dhule,
Collector Office Premises,
Dhule, Dist. Dhule
2. The Sub-Divisional Officer Shirpur,
Sub-Divisional Office Premises, Shirpur,
Taluka Shirpur, Dist. Dhule
3. The Executive Engineer,
Hatnoor Canal Division Chopada,
Chopada, Dist. Jalgaon

... Respondents
(Orig. Opponents)

.....

AND

FIRST APPEAL NO.3957 OF 2016

Shri. Rajendra Ramdas Patil
Age 42 years, Occ. Agri.
R/o. Piloda, Tq. Shirpur, Dist. Dhule.

..Appellant
(Orig. Applicant)

Versus

1. The State of Maharashtra
Through Collector Dhule,
Collector Office Premises,
Dhule, Dist. Dhule.
2. The Sub-Divisional Officer Shirpur,

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Sub-Divisional Office Premises,
Shirpur, Tq. Shirpur, Dist. Dhule.

3. The Executive Engineer,
Hatnoor Canal Division Chopda,
Chopda, Dist. Jalgaon

..Opponents

....
AND

FIRST APPEAL NO.4398 OF 2016

1. Shri. Ramdas Shankar Patil
Age-70 Years, Occupation - Agriculture

2. Shri. Ukha Shankar Patil
Age-65 Years, Occupation – Agriculture
Both R/o Piloda, Tal. Shirpur, Dist. Dhule

... Appellants
(Ori. Applicants)

Vs

1. The State of Maharashtra
Through Collector Dhule,
Collector Office Premises Dhule,
Dist. Dhule
2. The Sub Divisional Officer, Shirpur
Shirpur Division, Shirpur, Dist. Dhule

3. The Executive Engineer
Hatnur Canal, Division Chopada,
Tal. Chopada, Dist. Jalgaon
- ... Respondents
(Orig. Opponents)

.....

Mr. B. R. Waramaa, Advocate For Appellants in all Appeals
Ms. M.L. Sangit, AGP for Respondent-State in all Appeals
Mr. S. S. Chillarge, Advocate for Respondent No.3 in All the Appeals

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CORAM : NEERAJ P. DHOTE, J.
RESERVED ON : 10.12.2025
PRONOUNCED ON : 23.12.2025

COMMON JUDGMENT :-

. This group of 6 (six) First Appeals under Section 54 of the Land
Acquisition Act, 1894 (for short, 'LA Act') are directed against the

common Judgments dated 30.04.2012 and 31.01.2011 passed by the Civil Judge Senior Division, Dhule and Jt. Civil Judge Senior Division, Dhule, respectively, in group of Reference Applications arising out of the land acquisition for Nimna Tapi Project Padalse, Tal. Amalner, Dist. Jalgaon. First Appeal Nos.3953 of 2016, 3954 of 2016, 3955 of 2016 and 3956 of 2016 arise out of the Judgment dated 31.01.2011 and First Appeal Nos.4398 of 2016 and 3957 of 2016 arise out of the Judgment dated 30.04.2012. Both the sides made common submissions. Admittedly, the common Sale-deeds were relied by the Claimants in all the References. Therefore, these Appeals are decided by this common Judgment.

2. The facts, in brief, giving rise to the present Appeals are as under:

2.1. The Appellants were the owners of the following lands :-

Sr. Nos.	First Appeal No.	LAR No.	Gat No.	Area
1.	3953 of 2016	21/2004	18	1-Hec,44-R, Potkharaba 0-Hec.60-R
2.	3954 of 2016	27/2004	25/4	0-Hec, 73-R, Potkharaba 0-Hec, 10-R
3.	3955 of 2016	16/2004	25/3	0-Hec, 73-R Potkharaba 0-Hec, 10-R
4.	3956 of 2016	08/2004	22/2	1-Hec, 28-R Potkharaba 0-Hec, 03-R
5.	3957 of 2016	17/2004	25/1	0-Hec, 73-R, Potkharaba 0-Hec, 11-R.
6.	4398 of 2016	13/2004	27P	2-Hec, 50-R Potkharaba 0-Hec, 16-R

2.2. The said agricultural lands came to be acquired for the purpose of Nimna Tapi Project, Padalse. The Notification under Section 4 of the LA Act was published in the Government Gazette on 13.04.2000. The Special Land Acquisition Officer (for short, 'SLAO') declared the Award on 12.04.2002. The SLAO granted the compensation between Rs.51,500/- to Rs.81,300/- per Hectare for the *Jirayat* land. The SLAO determined the compensation by categorizing the *Jirayat* lands in various groups. Being not satisfied with the compensation determined by the SLAO, the Appellants preferred their respective Reference Applications under Section 18 of the LA Act for enhanced compensation. The Reference Applications were resisted by the State. The Appellants led the evidence. Thereafter by the above referred Judgments, the Reference Applications came to be partly allowed by enhancing the compensation as under :-

a) In the Judgment dated 31.01.2011 - @ Rs.1,10,000/- per Hectare for Class 'B' *Jirayat* land, @ Rs.1,50,000/- per Hectare for Class 'A' *Jirayat* land, and @ Rs.5,500/- per Hectare for the *Potkharaba* land.

b) In the Judgment dated 30.04.2012 - @ Rs.1,16,000/- Per Hectare for *Jirayat* - II, @ Rs.1,39,000/- per Hectare for *Jirayat*-III, @ Rs.1,58,000/- per Hectare for *Jirayat* -IV, and @ Rs.1,80,000/- per Hectare for *Jirayat* - V.

3. It is submitted by the learned Advocate for the Appellants that,

the categorization of the lands by the learned Reference Court in awarding the compensation is not permissible under the law. Fertility of the acquired lands cannot be the sole basis to determine the compensation. Utility of the acquired lands is also one of the consideration. No reasons are assigned for not awarding the rate equal to the rate as per the sale instance relied upon by the Appellants. Three (3) sale-deeds were brought on record by the Appellants, however, only one (1) is considered. The compensation needs to be further enhanced and the Appeals be allowed.

4. It is submitted by the learned Advocate for the Acquiring Body that, the learned Reference Court has rightly considered the sale-deed below Exh.20 to enhance the compensation. Section 4 Notification was published in the village on 23.03.2000. Considering the entries of well and electricity, the lands were categorized in the four (4) categories and therefore, the rate was reduced. Admittedly, the acquired lands were *Jirayat* lands and proper compensation is awarded and the Appeals be dismissed.

5. The learned Advocates for both the sides submit that, three (3) sale-deeds were relied by the Appellants in their respective References. As the exhibit numbers in each Reference differ, they agree that, the said three sale deeds be referred as Exhs.19, 20 and 21 as exhibited in the Reference which gave rise to First Appeal No.3957 of 2016 for

convenience. There can be no dispute on the legal position that, the categorization of the lands as done by the learned Reference Court, as referred above, is not permissible. Therefore, awarding of the compensation by categorization of *Jirayat* lands as done by the learned Reference Court is not known to law.

6. As seen from the Judgment dated 30.04.2012, the sale-deed below Exh.19 was executed on 13.04.2000 in respect of land admeasuring 0-Hectare, 52-R for consideration of Rs.1,40,000/-, the sale-deed below Exh.20 was executed on 14.05.1998 for the land admeasuring 1-Hectare, 21-R for consideration of Rs.86,000/- and sale-deed below Exh.21 was executed on 28.04.1997 for land admeasuring 0-Hectare, 55-R for consideration of Rs.1,25,000/-. The sale-deed below Exh.21 was from the different village Japore. Therefore, the same was kept out of consideration by the learned Reference Court. As regards the sale-deed below Exh.19 is concerned, it was of the very date of Section 4 Notification. The sale-deed below Exh.20 was much prior to the Section 4 Notification. Therefore, the learned Reference Court considered the sale-deed below Exh.20 to determine the enhance compensation.

7. There is observation in para no.19 of the Judgment dtd.30.04.2012 that, the land in the sale-deed Exh.20 was *Jirayat* land and the sale price was Rs.1,72,000/- per hectare. It is further observed

by the learned Reference Court in the said paragraph that considering the time span between the sale-deed Exh. 20 and the Notification under Section 4(1) of the Act, there must have been increase at least 10% in the prices of the land per year in the vicinity and further observed that, on comparing the above referred sale instances, it emerges that the average rate comes to Rs.2,23,000/- per hectare. Despite this, the learned Reference Court determined the enhanced compensation on the lower side. The lands, which are the subject matter of the Appeals, are considered as *Jirayat* lands by the SLAO and the learned Reference Court. Nothing is pointed to take a different view that, the subject lands were *Bagayat* lands and not *Jirayat* lands. When once the learned Reference Court was convinced that the rate per Hectare was Rs.2,23,000/-, it ought to have granted the same.

8. Though in the Judgment dated 31.01.2011 which is the subject matter of the First Appeals Nos.3953 of 2016, 3954 of 2016, 3955 of 2016 and 3956 of 2016, it is observed that, the Claimants did not show the distance between the acquired lands and the lands which were the subject matter of the sale-deed, it is observed by the learned Reference Court that, the sale-deed was from the same vicinity. In view of the above finding by the learned Reference Court, granting lower rate of compensation is not justified. Thus, the Appellants would be entitle for the enhanced compensation to Rs.2,23,000/- per Hectare.

9. The learned Reference Court has granted the interest from the date of taking possession of the lands which is not in consonance with the Judgment of the Full Bench of this Court in *State of Maharashtra vs. Kailash Shiva Rangari, 2016 (3) Mh.L.J. 457*. Therefore, the same needs to be modified to bring in consonance with the said ruling. Hence, the following order.

ORDER

- (i) The Appeals are partly allowed.
- (ii) The compensation for the acquired lands which are the subject matters of these appeals is enhanced to Rs.2,23,000/- (Rs. Two Lakh Twenty Three Thousand) per *Hectare*.
- (iii) The Interest shall be calculated from the date of the Award under Section 11 of the LA Act.
- (iv) The amount of compensation with the statutory benefits be recalculated in view of the above.
- (v) The Awards passed by the learned Reference Court in the respective References which are the subject matter of these Appeals stand modified and Decree be drawn up accordingly.
- (vi) Pending Civil Application, if any, stands disposed off.

(NEERAJ P. DHOTE, J.)