



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

FIRST APPEAL NO. 4354 OF 2016

1. Sudhakar S/o Digambar Phulari (Died)
Age: 58 yrs. Occ. Agri.,
R/o. Kharola Tq. Renapur, Dist. Latur,
At Present Bodhe Nagar, Sut Mill Road,
Latur Tq. And Dist. Latur.
[LRs. Brought on record as per Courts order
dated 19/03/2019 in C.A. No.4065/2019]
Through LRs.

1-a Shantabai w/o Sudhakar Phulari,
Age: 59 yrs, Occ. H. H.

1-b Sunil s/o Sudhakar Phulari,
Age: 39 yrs., Occ. Business,

1-c Ram s/o Sudhakar Phulari,
Age: 36 yrs, Occu. Agri.,

1-d Shyam s/o Sudhakar Phulari,
Age: 36 yrs, Occu. Advocate

All R/o. Bodhe Nagar, Near Sutmill Road,
Latur Tq. And Dist. Latur.

... Appellants
[Orig. Claimants]

VERSUS

1. The State of Maharashtra,
Through, The Collector,
Latur.
2. The Executive Engineer,
Minor Irrigation (Local Sector) Division, Latur,
Tq. And Dist. Latur.

... Respondents
[Orig. Respondents]

Appearance :

Mr. N. D. Kendre, Advocate for the Appellants

Mr. A. D. Wange, AGP for the Respondents - State

CORAM : NEERAJ P. DHOTE, J.
Reserved On : 17th November, 2025
Pronounced On : 14th November, 2025

FINAL ORDER :

1. This is an Appeal under Section 54 of the Land Acquisition Act, 1894 [for short 'the L. A. Act'] against the Judgment and Award dated 22/09/2016, passed by the learned 3rd Joint Civil Judge, Senior Division, Latur [for short 'the learned Reference Court'], in Land Acquisition Reference [LAR] No.353/2012, seeking enhanced compensation towards the acquisition of the Appellant's land out of Survey No.24 admeasuring 1 Hectare 26 R. [for short 'the suit land'], situated at Village Kharola, Taluka Renapur, District Latur, acquired by Respondent No.1 – State for Kharola Percolation Tank No.3.

2. Heard the learned Advocate for the Appellants and the learned AGP for the Respondents – State. Perused the record.

3. The suit land was owned and possessed by the original owner - Sudhakar Digambar Phulari. The suit land was acquired for the above-referred purpose. The Notification under Section 4 of the L. A. Act was published in the Government Gazette on 13/05/2004 and published in the Village on 14/07/2004. The Notification under Section 6 of the L. A. Act was published on 24/09/2004. The possession of the land was taken prior to the issuance of Section 4 Notification.

The Land Acquisition Officer [for short 'LAO'] determined the compensation @ Rs.1,012/- per R., i.e. Rs.40,480/- per Acre. The Original Claimant claimed the compensation @ Rs.5000/- per R., i.e. Rs.200,000/- per Acre. Not satisfied with the Award passed by the LAO, he filed the Reference seeking enhanced compensation. The Reference was contested by the Respondent – State by filing the Written Statement below Exhibit – 24. The issues were framed below Exhibit – 25. The Original Claimant led the evidence by filing his evidence affidavit and brought on record the relevant documents. The Respondent – State relied on the Award and 'E-Statement' and did not adduce any evidence. The learned Reference Court partly allowed the Reference and enhanced the compensation to Rs.1,50,000/- per Acre, along with statutory benefits.

4. Since the Original Claimant, who preferred the First Appeal, died, his legal representatives are brought on record by order dated 19/03/2019.

5. It is submitted by the learned Advocate for the Appellants that, before the learned Reference Court, the Original Claimants relied on the Sale Deeds of the lands from the adjoining Village and the Judgments and Award from the same acquisition at Exhibit – 18 and Exhibit – 28, wherein the land was from the same Village. The learned Reference Court discarded the Judgment below Exhibit – 18, wherein,

the rate of Rs.200,000/- per Acre was granted by the learned Reference Court and adopted the Judgment below Exhibit – 28, wherein the rate of Rs.1,50,000/- per Acre was granted. Therefore, the higher rate be granted to the Appellants on the basis of evidence on record. In support of his contention, he cited the following Judgments :

- [a] **Hanmabai W/o Iranna Patil (Deceased – Through her LR's) Dattatraya s/o Iranna Patil Vs. State of Maharashtra and Another ; 2009 (4) Mh.L.J. 805 ;**
- [b] **Mehrawal Khewaji Trust (Registered), Faridkot and Others Vs. State of Punjab & Others; (2012) 5 SCC 432 ;**
- [c] **Ningappa Thotappa Angadi (Dead) Through Legal Representatives Vs. Special Land Acquisition Officer and Another ; (2020) 19 SCC 599 ;**
- [d] **Mahadev Vs. Asstt. Commissioner / Land Acquisition Officer ; (2002) 9 SCC 487 ;**
- [e] **Manohar and Others Vs. State of Maharashtra and Others ; 2025 SCC Online 1519 ;**

6. The Appeal is opposed by the learned AGP. He submitted that, the land, which was the subject matter in the Judgment below Exhibit – 18, was situated at the corner with roads on two sides and was located at some distance from the suit land. The land in Exhibit – 18 was 15 R. and was a small piece of land as compared to the suit land. The suit land was not similarly placed as that of the said land, which was the subject matter of the Judgment below Exhibit – 18. As the land, which was the subject matter of the Judgment below Exhibit – 28,

was similar to the suit land, the learned Reference Court has rightly accepted the same and enhanced the compensation appropriately. The suit land was three kilometers away from the highway. The evidence on record has rightly been appreciated by the learned Reference Court and no interference is called for. Hence, the Appeal be dismissed.

7. There is no dispute in respect of the extent of Appellant's land acquired by the State for the purpose mentioned in the Notification. The acquired land was situated at Village Kharola, Taluka Renapur, District Latur. The LAO granted the compensation @ Rs.1,012/- per R., i.e. Rs.40,480/- per Acre. The Appellant claimed the rate of Rs.200,000/- per Acre. The record shows that, the Appellant examined himself as the witness. His evidence shows that, there was neither a well nor fruit-bearing trees on the acquired land. On the basis of evidence on record, the learned Reference Court held the suit land was of better quality and fertility. The 7/12 Extract of the acquired land was not produced. The observation of the learned Reference Court that, the Appellant has not produced the bills from where he was purchasing the seeds, nor the bills / memos as to where he was selling his agriculture produce is borne from the record.

8. The Appellant placed reliance on the copies of Judgments in LAR No.861/2006 and LAR No.27/2010 decided by the concerned Reference Court by Judgments and Orders dated 02/05/2012 [Exhibit –

18] and 04/05/2016 [Exhibit - 28], respectively. The said Judgments, undisputedly were in the References arising out of the same acquisition from the same Village. In LAR No.861/2006, the learned Reference Court enhanced the compensation to Rs.200,000/- per Acre and in LAR No.27/2010, the learned Reference Court enhanced the compensation to Rs.1,50,000/- per Acre. The learned Reference Court discarded the rate in LAR No.861/2006 and adopted the rate in LAR No.27/2010 by observing that, the acquired land and the land in LAR No.27/2010 were similar and from the same Village. It is further observed that, considering the facilities, qualities, productivity, fertility of the acquired land in LAR No.27/2010, instead of Judgment in LAR No.861/2006, the Judgment in LAR No.27/2010 can be used as a comparable unit and enhanced the compensation in the present matter of Rs.1,50,000/- per Acre.

9. There is no dispute that, the lands in both the above-referred LARs decided by the above-referred Judgments were from the same Village, where the suit land was situated and were acquired for the same purpose. The Judgment in LAR No.861/2006 shows that, the rate was enhanced on the basis of the Sale Deed from the adjoining Village Selu, wherein the land admeasuring 15 R. was sold for Rs.1,96000/- per R., i.e. Rs.5,23,000/- per Acre. Undoubtedly, the observations in the Judgment in LAR No.861/2006 shows that, the land, which was the subject matter of the said Sale Deed, was the

similar piece of land, having roads towards two sides and the quality was more superior. After considering deductions and 10% increase per annum, the rate of Rs.200,000/- per Acre was enhanced in the said LAR No.861/2006. On the query made by the Court, it was informed by the learned AGP that, the said LAR No.861/2006 was challenged by the State in First Appeal Stamp No.2285/2015, which was subsequently numbered as First Appeal No.652/2019. He further submitted that, the said Appeal was disposed of as withdrawn in the National Lok Adalat. Therefore, the record of the said Appeal was called from the Office.

10. Perusal of the record of the said Appeal show that, it was the Appeal by the State against the said Judgment dated 02/05/2012 in LAR No.861/2006, by which the compensation was enhanced. There is a copy of Order dated 08/12/2018 passed by the Panel of National Lok Adalat. Several Appeals were placed before the Panel of the said Lok Adalat. The order show that, the Appeals were disposed of as withdrawn, on the submission by the concerned AGP for the State, on instructions from the LAO Mr. Ganesh Nirhali, who was present in person, that, the Award was in conformity with the Government Resolution dated 03/11/2016 and Corrigendum dated 23/02/2017 and 13/08/2018, and therefore they were withdrawing the First Appeals. This goes to show that, the challenge to the said Award in LAR No.861/2006 came to an end. This indicate that, the State accepted

the rate of Rs.200,000/- per Acre awarded by the learned Reference Court in LAR No.861/2006, which arose out of the same acquisition proceedings from the same Village, where the land of the Appellant was situated and acquired for the said project. The observations made by the learned Reference Court in the Judgment show that, the suit land was Jirayat land. The observations in the Judgment in LAR No.861/2006 show that, the land therein was dry land. This shows that, the suit land and the land in the Judgment in LAR No.861/2006, which is accepted by the Respondent – State, were similar. When the Respondent – State has accepted the rate of Rs.200,000/- per Acre for the land of same quality from the same Village for the same purpose, the Appellant became entitled for the same rate. Nothing further is required to be discussed. With this, there is no need to discuss the Judgments relied upon by the learned Advocate for the Appellant. In this view of the matter, following order is passed :

ORDER

- [I] The First Appeal is allowed.
- [II] The impugned Judgment and Order / Award passed by the learned Reference Court in LAR No.353/2012 is modified to the extent of rate. The rate enhanced by the learned Reference Court for the suit land is modified to Rs.200,000/- [Rupees Two Lakhs] per Acre.
- [III] The statutory benefits and the interest, as per the operative order, be calculated on the enhanced amount.

- [IV] The Award be drawn up accordingly.
- [V] Record and Proceedings be sent back to the learned Reference Court.
- [VI] First Appeal stands disposed of accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/November-2025