



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

13 FIRST APPEAL NO. 1480 OF 2024

WITH

X-OBJECTION NO. 214 OF 2025

IN FA/1480/2024

THE STATE OF MAHARASHTRA AND ANR

VERSUS

VIJAYABAI ANKUSH DHUMAL

...

A.G.P. for Appellants : Mr. S.V. Hange

Advocate for Respondent and Cross Objectitioner : Mr. V.V. Ingle

CORAM : SHAILESH P. BRAHME, J.

DATE : 26.11.2025

PER COURT :

Heard both the sides, finally.

2. The Acquiring Body has preferred this appeal challenging the judgment and award dated 03.02.2015 passed in Land Acquisition Reference No. 347/2013. The cross-objection is filed by the claimant.

3. The learned A.G.P. appearing for the appellant submits that the enhancement of rate by the reference Court is unreasonable and arbitrary. It is submitted that the sale instances quoted at Exhs. 10 and 11 are in respect of the small parcels of the land which are abutting the road. The rate arrived at by negotiations of the private parties in those cases cannot be made applicable in the present case. He would submit that the land is still agricultural land and does not have non-agricultural potential. The land has not been converted into non-agricultural purpose and the development charges are required to be deducted. It is further submitted that no reliance can be placed on the rate awarded by the reference Court in L.A.R. No. 311/2005 or the rate upheld by the coordinate bench in First Appeal No. 766//2013. It is submitted that the ground of parity cannot be pressed into

service and the cross-objection is liable to be rejected.

2. Per contra, learned counsel Mr. Ingle would submit that under similar facts and circumstances while enhancing the compensation, reference Court in L.A.R. No. 311/2005 awarded rate of Rs. 20/- per square feet. The same has been acquiesced by the acquiring authority vide letter dated 09.01.2019. Considering this peculiar facts, the coordinate bench in FA 766/2013 enhanced the compensation by awarding rate of Rs. 20/- per square feet. It is submitted that rate of Rs. 20/- per square feet has been arrived at after considering the deductions, the nature of the land and the location.

3. I have considered the rival submissions of the parties. The learned counsel for the respondent-claimant has placed on record compilation of a judgment dated 18.06.2018 passed in L.A.R. No. 311/2005, letter of acquiesce and the judgment dated 24.09.2025 in First Appeal No. 766/2013. I have gone through the impugned judgment as well as judgments produced on record by way of compilation.

4. In the present matter, notification was issued under Section 4 of the Land Acquisition Act on 12.01.1994 Survey No. 55 to the extent of 34-Are, from village Kavtha Tq. Omerga was acquired. In the sale instances small pieces of lands were acquired, which were abutting the road. In the present case, comparatively larger piece of land has been acquired. The Special Land Acquisition Officer awarded rate of Rs. 29000/- per Hectare that approximately comes to Rs. 3.71 per square feet. It was enhanced in L.A.R. No. 347/2013 to Rs. 7/- per square feet, when the demand was of Rs. 15/- per square feet.

4. The land of the claimant in the present case has been acquired for the self-same project and it is from the same vicinity of the land of which the reference is made. In L.A.R. No. 311/2005, the nature and the location of land was taken into account and by a reasoned order the rate of Rs. 20/- per square feet was arrived at. Those were the lands from the self-same village

Kavtha Tq. Omerga. Thereafter the coordinate bench also arrived at rate of Rs. 20/- per square feet considering over all circumstances of the matter and by a speaking order. I find no difficulty in accepting the rate of Rs. 20/- per square feet.

5. There has to be consistency in the orders passed by the Courts when the lands are acquired from the same vicinity. Present land has 'non agricultural' potential, albeit presently it is an agricultural land. Considering the similarity of the circumstances, I propose to adopt the rate of Rs. 20/- per square feet.

6. In that view of the matter, I find that the appeal preferred by the Acquiring Body is liable to be dismissed and the cross-objection needs to be allowed partly. I, therefore, pass following order:

#### **ORDER**

- (I) First Appeal No. 1480/2024 shall stand dismissed and Cross-Objection No. 214/2025 shall stand allowed partly.
- (II) The impugned judgment and award shall stand modified to the extent that the claimant shall be entitled to have rate of Rs. 20/- per square feet (Rs. 20,000/- per Are). Save and except the rest of the award shall stand maintained.
- (III) Award be drawn accordingly.
- (IV) The Acquiring Body shall pay the enhanced compensation expeditiously.
- (V) Record and proceeding be sent back to the reference Court.
- (VI) The claimant shall deposit the deficit Court-fees.
- (VII) Balance amount, which is deposited by the Acquiring Body or which is invested with accrued interest shall be disbursed to the claimant.

( SHAILESH P. BRAHME, J.)

mkd/-