IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CROSS-OBJECTION NO.69/2022 IN FIRST APPEAL NO.1217/2010

Maharashtra Industrial Development Corporation,
having its office at Marol Industrial Estate, Andheri,
East, Mumbai and having its Regional Office
at By Pass Road, Amravati, **APPELLANT:**
through its Chief Executive Officer. [Orig. Deft. No. 2]

..Versus..

1) Ganeshibai W/o Kisanlal Gupta, (Ori. Claimants
Aged about 70 years, on R.A. (Resp.1 to 7
Occ: household, Cross-objectors.)

2] Sarita Ashok Kubre,
Aged about 42 years,
Occ: Household,

3)Saroj Gangaram Mehare [Rathod],
Aged about 48 years,
Occ: household.

4] Rakesh S/o Kisanlal Gupta,
Aged about 44 years,
Occ : Agriculturist,

5]Rajesh S/o Kisanlal Gupta,
Aged about 41 years,
Occ : Agriculturist.

6] Mukesh S/o Kisanlal Gupta,
Aged about 38 years,
Occ: Household.

7] Ku. Sangita D/o Kisanlal Gupta,
Aged about 40 years,
Occ: Household.
All R/o Chitra Chowk, Cotton Market Road,
Amravati.
Tah. & Dist. Amravati.
Respondent No.1 to 5 and 7 through their
power of attorney i.e. the respondent no.6.

8) State of Maharashtra, Through SDO & Land Acquisition Officer, Amravati. (Ori.Def. No.1 on R.A.)

RESPONDENTS

Mr. M.M. Agnihotri, Advocate for the appellant.
Ms. S.O.Tapdiya , Advocate for Cross-Objectors (Respondent nos.1 to 7).
Mr. H.D.Futane, AGP for respondent no.8.

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CORAM : PRAVIN S. PATIL, J.
DATED : 10.12.2025.

ORAL JUDGMENT:

1. By way of this cross-objection, the original claimants/cross-objectors seek modification to the judgment and award dated 28.10.2009 passed in Land Acquisition Case No.563/1999 by the 4th Joint Civil Judge Senior Division, Amravati, to the extent of enhancement in compensation.

2. The learned counsel for the cross-objectors has pointed out that though ample evidence in the nature of sale deeds (Index-II) of the villages in the vicinity was placed on record indicating that the market value of the land was determined at more than Rs.1,00,000/- per hector, the learned Reference Court did not consider the same and granted a meager compensation of Rs.75,000/- per hector in the matter. Hence, cross-objectors seek enhancement in the compensation.

3. In the present matter, it is an undisputed fact that the cross-objectors were the owners of the land admeasuring 2.89 hectors of village Dawargaon, which was acquired under the Notification dated 14.01.1994, by the appellant for development of an Industrial Area near Amravati City. In the said land acquisition proceedings, the Land Acquisition Officer awarded compensation to the cross-objectors @ Rs.36,900/- per hector

and an additional @ Rs.1500/- per hector towards pot kharab land. Being dissatisfied with this compensation, the cross-objectors have preferred reference in the matter.

4. Before the Reference Court, the cross-objectors entered the witness box and placed reliance on various sale transactions by placing on record the copies of Index-II. The cross-objectors also placed reliance upon the sale deeds of the areas of Nandgaon Peth, Narayanpur, Jamathi, Rustampur, Nemtapur, Yawali and Dawargaon etc. All these sale transactions show that the valuation of the land was determined in between Rs. 60,000/- to Rs.1,30,000/- per hector. Hence, according to the cross-objectors, in view of the settled legal principles, the rate of highest sale exemplar ought to have been adopted. However, the Reference Court failed to consider the settled legal principles and thereby awarded less compensation only at the rate of Rs.75,000/- per hector in the matter.

5. Per Contra, the learned counsel for the respondent, strongly objected to the cross-objection. According to him, as per law laid down by the Hon'ble Supreme Court of India in the case of ***Shaji Kuriakose and another Vs. Indian Oil Corpn.Ltd. and others (2001) 7 SCC 650***, the Hon'ble Supreme Court has held that the following factors required to be considered for determining the market value:

(i) the sale must be a genuine transaction,

(ii) the sale deed must have been executed at the time of proximate to the date of issue of notification under Section 4 of the Act,

(iii) the land covered by the sale must be in the vicinity of the acquired land,

(iv) the land covered by the sales must be similar to the acquired land, and

(v) the size of plot of the land covered by the sales be comparable to the land acquired.

According to the learned counsel for the appellant, the cross-objectors failed to satisfy these material factors while relying upon the sale instances of the vicinity and, therefore, according to him, the conclusions drawn by the learned Reference Court in the present matter cannot be said to be illegal or incorrect.

6. In the light of the submissions made by both the parties, I have perused the entire record and proceeding. It is not disputed in the present matter that the appellant acquired lands of the adjoining villages for development of an industrial area at Nandgaon Peth. Accordingly, it is seen from the various sale deeds which are placed on record in terms of Index-II that there was no uniformity in the rates given by the appellant-acquiring body to the acquired lands. Therefore, it is clear that the Reference Court determined the market value based on various factors and one of the factors, which seems to be considered by the Reference Court is the vicinity of the acquired land and the use of the acquired land for the development of an industrial area. Hence, keeping in mind this aspect, the present cross-objection is required to be considered.

7. In the present matter, from the map which is available on record at Exhibit 55, it is clear that the village Dawargaon is closer to Morshi taluka, whereas the proposed industrial development is at Nandgaon Peth. Between Nandgaon Peth and village Dawargaon there are at least 8 to 10

villages and it is also clear from Exhibit-55 that village Dawargaon is adjacent to the Taluka Morshi, whereas the other villages of which sale deeds are relied upon by the appellant i.e. Sawardi, Narayanpur, Dhamana, Tuljapur, were of adjacent to Nandgaon Peth.

8. The appellant also relied upon judgments delivered by this Court. Firstly, the judgment in ***First Appeal No.181/2007 (Maharashtra Industrial Development Corporation Vs. Babanrao Maroti Belukar) along with First Appeal No.184/2007 and First Appeal 536/2007, decided on 21.1.2019***. This judgment is of village Ukali, which is opposite of the main highway road and in between the villages Nandgaon Peth to Mauli as per map (Exh.55). This Court in the said appeals considered the sale instances of village Narayanpur and Nandgaon Peth which were found to be adjacent to each other and thereby awarded compensation for the acquired land from village Ukali @ Rs.1,00,000/- per hector. In ***First Appeal No.181/2007 and other First Appeal nos. 184/2007 and 536/2007*** awarded the compensation @ Rs. 95,000/- per hector.

9. In First Appeal No.486/2011 (***Maharashtra Industrial Development Corporation Vs. Jugalkishor s/o Hiralal Bajaj***) the land which was acquired is of the village Sawardi. As per map (Ex.55) this village Sawardi is adjacent to Nandgaon Peth. This Court considering the fact that the Reference Court in Land Acquisition Case No.118/2000 of village Sawardi has awarded compensation @ Rs.1,00,000/- per hector, confirmed the judgment of Reference Court.

10. Learned counsel for the Cross-objectors then relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Bhim Singh***

and others Vs. State of Haryana and another (2003) 10 SCC 529, wherein it was held that reliance on earlier judgment in respect of earlier acquisition for the same purpose is justified. Hence, according to the Cross-objectors, as per the ratio laid down by the Hon'ble Court of India, the cross-objectors are entitled for the higher compensation.

11. On the other hand, learned counsel for the respondent/acquiring body submits that while determining the market value the factors which are laid down in the case of ***Shaji Kuriakose Vs. Indian Oil Corpn. Ltd.*** (supra) as well as law laid down by the Hon'ble Division Bench of this Court in the case of ***Isabela Gama Vs. Special Land Acquisition Officer [2012 (1) Mh.L.J. 206]***, are required to be considered wherein Hon'ble Division Bench observed that "merely producing the judgments, it will not possible for the Court to consider as to whether the subject matter of the land acquired in the said proceedings are comparable to the acquired land in the given case. The claimants would have to subscribe accordingly the judgments wherein the lands are comparable to the land acquired and without adducing such evidence, the said judgment cannot be considered for the purpose of determining the market value of the acquired land". Hence, according to the respondent, it is for the Objectors to establish the comparability of the acquired land with the sale instances relied by him in the matter.

12. In the background of the aforesaid factual as well as legal position, it is relevant to consider the recent law laid down by the Hon'ble Supreme Court of India in ***Krishna Kumar Vs. State of Haryana and others (AIR 2025 Supreme Court 2468),*** wherein it is held that the

"determination of compensation for compulsory acquisitions of land under Land Acquisition Act is fundamentally an exercise in equity. Rather than being a precise science, the law of compulsory acquisition in India strives to uphold the enduring principles of justice, equality, and fairness". "Though, the Act provides clear guidelines for the Land Acquisition Officer/Collector to arrive at a fair quantum of compensation and balance the competing interests of the acquiring authority and the landowner(s), the Court should consider the appropriate method while determining the compensation". As such market-value must be understood as that price or rate which a willing buyer would pay to a willing seller at any given point in time. Hence, it is important to caveat that this price reflects the land conditions, advantages, disadvantages, location and potentialities. Accordingly, in paragraph 28 of the judgment would be relevant to refer:

> *"28. There is no gainsaying that the willing buyer-willing seller dynamic as well may invite a lot of subjectivity, due to the fiction it seeks to perpetuate. As a counter-measure, over the course of various decades, this Court has come to recognise the 'comparable sales method' as perhaps the best mode of deter-er mining compensation for an acquired land. While the reasons for this may be manifold, it seems to us that the advantage of using the comparable sales method in land acquisition is that it provides the Court with tangible, real-world examples of transactions, eliminating the need for speculation about how a willing buyer and seller might negotiate a price. In Shaji Kuriakose v. Indian Oil Corporation Ltd, this Court occasioned to lay down certain descriptive factors that must be fulfilled before a sale deed can be used for the comparison set-out hereinabove. These include, inter alia: (1) temporal proximity of the sale exemplar to the date*

> *of the Section 4 Notification of the subject-acquisition; (ii) genuineness of the transaction; (iii) geographical nearness of the land sold via the sale exemplar to the land sought to be acquired; (iv) comparable sizes of lands; and (v) similarity in the nature of the lands*".

Considering the observations made by Hon'ble Supreme Court of India, it is clear that law laid down in the case of ***Shaji Kuriakose Vs. Indian Oil Corporation Ltd.,*** *was confirmed.*

13. In the light of aforesaid observations, I am of the opinion that the village Dawargaon is though stated to be 7 to 8 kms from the village Nandgaon Peth, *prima facie* it seems to be incorrect because the map itself shows that village Dawargaon is near to Morshi taluka; whereas Nandgaon Peth is close to Amravati city. The distance between these two places is almost 15-20 kms. Therefore, this aspect requires consideration.

14. At the same time, it is pertinent to note that the land of the agriculturist has been compulsorily acquired for the development of industrial area. Therefore, the fact cannot be denied that the land of the cross-objector is likely to be used for industrial area. The respondent who was expected to enter into witness box and prove that for what purpose the land has been acquired from village Dawargaon, but, no evidence is brought on record by the respondent in the matter.

Hence, considering the evidence led by the cross-objectors in the matter, it is clear that their land is likely to be used for development of an industrial area despite the distance from the Nandgaon Peth to Dawargaon is more than 10 to 15 kms.

15. The cross-objectors herein have rightly submitted that if purpose for which the land is acquired and value is determined, there should be no discrimination while awarding compensation because the purpose is the same. Hence, according to the cross-objectors, they are entitled for the compensation at least @ Rs.1,00,000/- per hector, as the Reference Court itself has determined the compensation of the various lands in between Rs.60,000/- to Rs.1,30,000/-. Therefore, in my opinion, the cross-objectors are entitled for enhancement of compensation @ Rs.1,00,000/- per hector.

16. In the present matter, the respondent-acquiring body did not enter into the witness box nor demonstrate that as to how they are entitled for the deduction towards the development charges in the matter and hence the learned Reference Court is correct in not recording any finding on this issue.

17. Hence, for the aforesaid reasons, the impugned judgment and award is required to be modified to the extent that the Cross-objectors herein are entitled for the enhancement of compensation @ Rs.1,00,000/- per hector. Hence, I proceed to pass the following order:-

O R D E R

(i) The judgment and award dated 28.10.2009 passed in Land Acquisition Case No.563/1999 by the 4th Joint Civil Judge Senior Division, Amravati is modified to the extent that the cross-objectors are entitled to compensation @ Rs.1,00,000/- per hector along with statutory benefits.

(ii) Rest of the judgment and order of Reference Court is confirmed.

(iii) The appellant-acquiring body is directed to deposit the enhanced amount of compensation within a period of six months from date of order.

(iii) The cross-objectors are at liberty to withdraw the said amount.

The cross-objection stands disposed of accordingly.

(**PRAVIN S. PATIL, J.**)

Mukund Ambulkar