



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

FIRST APPEAL NO.196 OF 2009

Mahadeo Harba Telrandhe
(since dead) Through L.R's.

1-A. Ganesh s/o Mahadeo Telrandhe,
Aged about 56 years,
Occupation-Service,
R/o. Ganesh Nagar, Ward No.4,
Borgaon (Meghe), Behind Kocha Gin,
Wardha.

1-B. Ramesh Mahadeorao Telrandhe,
Aged about 50 years,
Occupation-Service,
R/o. Deoli, Ward No.16, Wardha.

1-C. Indirabai wd/o Mahadeorao Telrandhe,
Aged about 75 years,
Occupation-Nil,
R/o. Deoli, Ward No.16, Wardha. .. Appellants

..Versus..

1. State of Maharashtra,
Through Special Land Acquisition
Officer, Wardha, District-Wardha.

2. Maharashtra Industrial Development
Corporation, Through its Area Manager,
Wardha, District-Wardha. .. Respondents

Ms. Vidya Umale, Advocate for Appellants.
Shri S.C. Joshi, AGP for Respondent No.1.
Shri M.M. Agnihotri, Advocate for Respondent No.2.

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CORAM : PRAVIN S. PATIL, J.
RESERVED ON : 24.09.2025.
PRONOUNCED ON : 17.10.2025.

JUDGMENT

1. By this appeal, the challenged is to the judgment and order passed by the learned Reference Court in Land Acquisition Case No.26/1995 decided on 25.10.2007 passed by the Adhoc District Judge, Wardha.
2. The grievance raised by the present appellants in the present appeal can be curtailed from the following brief facts of the matter.
3. The appellant was the owner and in possession of agricultural field bearing No.474 ad-measuring 1.77 HR and Survey No.481 area 2.08 HR of Mouza Deoli, Tahsil-Deoli, District-Wardha.
4. The respondent no.2 by issuing Notification under Section 32 (1) and (2) proceeded to acquire the land owned by

the appellant. In the said land acquisition proceeding, the Special Land Acquisition Officer by his final award dated 13.7.1994 awarded only Rs.20,000/- per hector along with statutory benefits. As such the appellant has received in all Rs.76,985/-.

5. The appellant being dissatisfied by the order of the Land Acquisition Officer preferred reference under Section 18 of the Land Acquisition Act and claimed enhancement at the rate of Rs.30,000/- per hector for his land acquired by the respondents. However, the learned Reference Court by the impugned order did not consider the documentary evidence brought on record in a proper manner and thereby only awarded Rs.38,550/- as a difference of compensation along with 12% interest as a special component under Section 23 (1) (A) of the Land Acquisition Act.

6. By way of present appeal, the appellant raised the ground that the Reference Court failed to appreciate the fact that the land of the appellant was just abutting to the State Highway and it had not only non-agricultural potential but also commercial potential and, therefore, ought to have been

awarded of higher price, so also it is stated that while considering the sale instances, learned Reference Court failed to make comparative assessment of the land acquired for other project vis-a-vis the land of the appellant. The appellant further stated that without recording any cogent reasons his land was categorized in Group 'C', though it was not that much interior as held by the Reference Court.

7. The appellant has mainly relied upon the evidence of one Jagdish Patel, who had deposed that the land of his uncle which was converted to non-agricultural use was sold at the rate of Rs.6/- per sq. ft. As such, according to appellant, his evidence is the best piece of evidence to determine the market value of the land. Hence, on all these counts, the appellant submission is that the Reference Court has awarded the meager compensation in the matter.

8. The respondent no.2 has vehemently opposed this appeal and came with a specific submission that the land owned by the appellant was an interior land and, therefore, same cannot be fetched higher compensation than what awarded by the learned Reference Court.

9. The respondent no.2 has relied upon the judgment of this court delivered in First Appeal No.79/2006. In the said appeal, the land which was in question was arising out of the same land acquisition proceedings and adjoining to the plot of the appellant. The appellant's survey number in the present case is Survey Nos.474 and 481, whereas in First Appeal No.79/2006 the land survey number was 495 of Mouza Deoli, Tahsil-Deoli, District-Wardha. As such, it is the submission of the respondents that the value determined by this court can be made applicable to the case of the appellant.

10. According to respondent, the land acquired is not having the potential of commercial land. Appellant failed to establish the same. The compensation awarded by considering the said land as an agricultural land is, therefore, justified in the matter. As such, the respondents categorically stated that the appellant at the most can be awarded the compensation by considering the judgment of the coordinate bench of this court.

11. In the light of submission made by both the parties, I have perused the record and also gone through the judgment

which both the parties have relied upon in the matter.

12. In the present appeal, both the parties did not disputed the map prepared by the Taluka Inspector of Land Records. It is clear from the said map that the land of the appellant is nearby to the land Survey No.495. In between the survey number of the appellant and Survey no.495, there are other agricultural field wherein according to the respondents the compensation has been awarded for dry crop at the rate of Rs.30,000/- and Rs.45,000/- per hector for irrigated land. Hence, the entire survey number has been awarded the compensation by considering the same as an agricultural land. In the circumstances, reliance can be placed on the judgment delivered by this court in First Appeal No.79/2006.

13. I have gone through the judgment delivered by this Court. The perusal of the judgment shows that this court has considered the entire oral as well as documentary evidence putforth before the court and by considering the entire aspect involved and issues which are raised in present appeal decided the First Appeal No.79/2006. Prima facie, I am of the opinion that this court has rightly held that for non-irrigated land the

compensation Rs.30,000/- per hector and for irrigated land at the rate of Rs.45,000/- per hector is justified.

14. According to me, only factor which needs consideration is the purpose for which the land is acquired by the respondent no.2. Admittedly, the land of the appellant was acquired for industrial purpose and, therefore, merely because the land of the appellant was not converted for non-agricultural purpose cannot be a reason to award less compensation.

15. In the present case, the Reference Court ought to have made attempt to make a comparative assessment of the land in question and the sale instances which the appellant has placed on record in his evidence. However, there is no consideration to the specific evidence which was brought on record by the appellant before the Reference Court.

16. It is further the submission of the appellant that location of the land of the appellant was nearby to the highway and, therefore, this aspect should have been considered while awarding the compensation in the matter. The appellant in his evidence has specifically stated about the location of the

agricultural land. The location which he has pleaded is not controverted or do not found to be incorrect in the matter. In the cross-examination, nothing has come out to state that the location and the amenities which are available from the distance where the field is located is not disputed in the matter.

17. Respondent has relied upon the judgment of coordinate bench, wherein the court awarded Rs.30,000/- per hector for dry crop land and Rs.45,000/- per hector for irrigated land. No deduction is made towards development charges. Hence, taking the same view in the present appeal there should not be any deduction towards development charges from the compensation amount.

18. According to me, considering the above aspect of the matter which is one of the relevant consideration to determine the market value, appellant is entitled for the compensation at the rate of Rs.40,000/- per hector.

19. Hence, I proceed to pass the following order :

O R D E R

- (1) The Appeal is partly allowed.
- (2) The impugned judgment and order of the

Reference Court to the extent of case of appellants in Land Acquisition Case No.26/1995 is modified to the extent that appellants are entitled for the compensation at the rate of Rs.40,000/- per hector and rest of the order is confirmed.

(3) There shall be no order as to costs.

(Pravin S. Patil, J.)