IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 FIRST APPEAL NO. 1060 OF 2007

The State Of Maharashtra Through Collector, Osmanabad.
*VERSUS*
Subrao Tatyaba Mane

.....

Mr. S.N. Morampalle, AGP for Appellant-State

.....

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 23 OCTOBER, 2026

PER COURT :

1. Heard the learned counsel for the respective parties.

2. By this appeal, the appellant-State challenges the Judgment and Award dated 30.12.1993 passed by the learned Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference No. 159 of 1993, whereby the learned Reference Court enhanced the compensation payable to the respondent-claimant.

3. The land belonging to the respondent-claimant, situated at village Shingoli, Taluka Kallam, District Osmanabad, was acquired for the public purpose of an irrigation project at village Shingoli. The notification under Section 4 of the Land Acquisition Act, 1894 was published on 09.03.1987. The Special Land Acquisition Officer (SLAO) passed the award on 31.07.1989 and determined compensation at Rs. 28,370/-, including statutory benefits. Being dissatisfied with the compensation awarded, the claimant accepted the amount under protest and sought a reference under Section 18 of the Land Acquisition Act, 1894, contending that the compensation determined by the SLAO was inadequate.

4. Before the learned Reference Court, the claimant relied upon the sale

instances at Exhibits 14 and 15 and also placed reliance on the 7/12 extracts of Survey Nos. 4/3, 4/4, 4/5, 5/3, and 5/6, to show that there was a well on the acquired land and that the claimant was cultivating cash crops. The sale instance at Exhibit 14 is of village Shingoli, dated 03.09.1991. The sale instance at Exhibit 15, executed in the year 1985, pertains to land in village Yermala, whereby one acre of land was sold for a consideration of Rs. 30,000/-. The said sale deed was executed four to five months prior to the Section 4 notification. The learned Reference Court, relying upon the said sale instance at Exhibit 15, determined the market value of the acquired land at Rs. 39,000/- per acre.

5. Having regard to the evidence on record, particularly the sale instance at Exhibit 15, the determination of market value by the learned Reference Court cannot be said to be excessive or exorbitant. The appellant-State has not demonstrated any perversity or error in the appreciation of the evidence or in the determination of compensation so as to warrant interference with the impugned Judgment and Award. No ground is, therefore, made out for interference by this Court. The appeal, being devoid of merit, deserves to be dismissed.

6. The First Appeal is dismissed.

7. Pending Civil Applications, if any, stand disposed of accordingly.

[ SIDDHESHWAR S. THOMBRE ]
JUDGE

S P Rane