IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 FIRST APPEAL NO. 3198 OF 2008

State Of Maharashtra
VERSUS
Dhudaku Tanga Patil

.....

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

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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 07.04.2000 passed by the learned Civil Judge, Senior Division, Jalgaon, in Land Acquisition Reference No. 1069 of 1998, whereby the learned Reference Court enhanced the compensation payable to the respondent-claimant.

3. The land belonging to the respondent-claimant, situated at village Adalse, Taluka Bhadgaon, District Jalgaon, was acquired for the public purpose, namely, for the construction of the L.B.C. Canal of the Khedgaon Distributory. The notification under Section 4 of the Land Acquisition Act, 1894 was published on 15.11.1990. The Special Land Acquisition Officer (SLAO) passed the award on 20.03.1993 and awarded meager compensation. 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 a sale instance from village Adalse. By the said sale deed dated 02.11.1981, land from Gat No. 118, admeasuring 88 R, was sold for a consideration of Rs. 49,000/-. In the present matter, the Section 4 notification was published on 15.11.1990. By granting a standard 10% annual escalation, the market value of the land works out to Rs. 1,12,168/- per hectare. Although the calculated escalation rate justifies a higher value for the acquired land, the learned Reference Court has conservatively awarded compensation at the rate of Rs. 1,00,000/- per hectare.

5. Having regard to the evidence on record, 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. The impugned Judgment and Award stands confirmed.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane