IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 FIRST APPEAL NO. 981 OF 2007

The State Of Maharashtra Through Collector
VERSUS
Sudam Nagu Kadam

.....

Mr. A.D. Wange, 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 11.01.1994 passed by the learned Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference No. 524 of 1991, whereby the learned Reference Court enhanced the compensation payable to the respondent-claimant.

3. The land belonging to the respondent-claimant out of Gat Nos. 197 and 190, situated at village Pangardharwadi, Taluka Tuljapur, District Osmanabad, was acquired for a public purpose, namely, for the extension of the gaothan area of village Katgaon. The notification under Section 4 of the Land Acquisition Act, 1894 was published on 06.03.1986. The Special Land Acquisition Officer (SLAO) passed the award on 25.03.1888 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 the sale instances at Exhibits 36 and 37. The sale instance at Exhibit 37 is dated 10.08.1987 and pertains to village Sangvi Kati, whereby 19 R land was sold for a consideration of Rs. 17,000/-, whereas the sale instance at Exhibit 36 is situated at village Masla, which is located about ½ km away from the acquired land. Both these sale instances are subsequent to the publication of the Section 4 notification. Upon considering both the sale instances at Exhibits 36 and 37, the learned Reference Court determined the market value and awarded compensation at the rate of Rs. 30,000/- per Acre for the acquired lands.

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.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane