IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 FIRST APPEAL NO. 1219 OF 2006

THE STATE OF MAHARASHTRA
VERSUS
VEDU KASHIRAM PATIL
...
AGP for Appellant/State : Mr. D.R. Korde
Advocate for Respondent : Mr. B.K. Pawar h/f. Mr. A.B. Kale
...
WITH
CIVIL APPLICATION NO. 4324 OF 2002 IN FA/1219/2006
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : October 27, 2026

PER COURT :-

1. As the acquisition proceedings is initiated in the year 1987, heard finally with the consent of learned counsel for respective parties.

2. By this appeal, the appellant/State assails the judgment and award dated 29.10.1999 passed by the learned Civil Judge, Senior Division, Jalgaon in LAR No. 228/1990.

3. The land of the original claimant admeasuring 58 R. from Gat No. 517 situated at village Ainpur, Taluka Raver, District Jalgaon was acquired for rehabilitation of persons affected by Hatnur Project. Notification under section 4 of the Land Acquisition Act came to be published on 31.12.1987 and the award under section 11 of the Act came to be declared on 21.2.1989 and the Special Land Acquisition Officer (SLAO) has granted rate of Rs. 42188/- per H. After accepting the aforesaid amount under protest, the claimant filed an application before the Collector for referring their claim for proper determination of the market value of the acquired land.

4. Before the reference court, the claimants relied upon sale instance, dated 15.5.1981, Exh. 44, from the same village, by which 32.36 sq. mtrs.

non agricultural plot from Gat No. 776 was sold for Rs. 8000/-. After relying upon the aforesaid sale instance, the learned reference court has granted rate of Rs.395/- per sq. mtr. and hence, the present appeal is filed by the State.

5. Having heard the learned counsel for the respective parties, with their able assistance, I have gone through the record and proceedings and impugned judgment and award. There is no dispute about the fact that the land in the present matter was acquired for rehabilitation of persons affected by Hatnur Project. The claimants relied upon sale instance dated 15.5.1981, Exh. 44, by which 32.36 sq. mtrs. non agricultural plot from Gat No. 776 was sold for Rs. 8000/-. In the present matter the notification under section 4 of the Act came to be issued on 31.12.1987. The learned reference court has considered the fact that adjoining area of acquired land is having N.A. potential and therefore, sale instance, Exh. 44, which pertains to N.A. plot was considered as comparable sale instance and as per the sale instance, rate comes to Rs.409/- per sq. mtr. But the reference court after applying certain deductions, has awarded rate of Rs.395/- per sq. mtrs. Therefore, considering the above, I hold that the reference court has granted just, reasonable and proper compensation. The compensation awarded by the reference court is not excessive or exorbitant. No case is made out for interference in the impugned judgment and award. Hence, the first appeal is devoid of merits and the same is dismissed. Pending civil application, if any, also stands disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/