IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 FIRST APPEAL (STAMP) NO.2662 OF 2014
WITH
CIVIL APPLICATION NO. 4533 OF 2014
IN FAST/2662/2014

THE COLLECTOR JALGAON AND OTHERS
VERSUS
NANDLAL BALCHAND SOMANI DIED THR. L.RS. BHIKCHAND NANDLAL SOMANI AND OTHERS

...

Mr. A. M. Phule, AGP for the Appellant/State.

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WITH
CIVIL APPLICATION NO. 4534 OF 2014
IN FAST/2662/2014

THE COLLECTOR JALGAON AND OTHERS
VERSUS
NANDLAL BALCHAND SOMANI DIED THR. L.RS. BHIKCHAND NANDLAL SOMANI AND OTHERS

...

Mr. A. M. Phule, AGP for the Appellant/State.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 1st OCTOBER, 2026

P.C.:-

CIVIL APPLICATION NO.4533 OF 2014:-

1. By this application, the Applicants/State are seeking condonation of delay in filing first appeal.

2. Considering the averments made in the application, delay is condone. Accordingly, the application is allowed.

FIRST APPEAL:-

3. Since the acquisition proceedings pertain to the year 1990, the appeal is heard finally with the consent of the learned Advocates for the respective parties.

4. By the present appeal, the Appellants/State are challenging the judgment and award dated 21.04.2007 passed by the learned Joint Civil Judge, Senior Division, Jalgaon, in LAR No.1499/1998, whereby the learned Reference Court enhanced the compensation in favour of the Claimants.

5. Brief facts of the present cases are as under:-

(i) The land of the Claimants from Survey No.232 admeasuring 81 R situated at village Paladhi was acquired for the purpose of construction of a road leading out of Paladhi village, Taluka Dharangaon, District Jalgaon.

(ii) The Notification under Section 4 of the Land Acquisition Act, 1894 (for short, “the Act”) was published on 21.07.1990 and the Notification under Section 6 of the Act came to be published on 28.09.1990.

(iii) The Special Land Acquisition Officer (SLAO) passed an award on 05.12.1992 and granted compensation. After accepting the said amount, the Claimants sought a reference under Section 18 of the Act by contending that the compensation granted was

inadequate.

6. Mr. A. M. Phule, learned AGP for the Appellant/State, submits that the Claimants have relied upon the sale instance below Exhibit-24, which was dated 22.05.1987, and also the sale instance below Exhibit-25, which was dated 17.01.1985 and pertained to Plot No.17. The Claimants further relied upon the 7/12 extracts below Exhibit-28, which pertained to the years 1981, 1982 and 1989, and contended that the acquired lands were irrigated lands.

7. Having heard the learned AGP for the Appellant/State and with his assistance, I have gone through the record and proceedings. In the present case, after considering the sale instances dated 22.05.1987 and 17.08.1985, which pertained to the same village and were prior to the Section 4 Notification, and considering that the Section 4 Notification was published on 21.07.1990, as well as the 7/12 extracts showing that the acquired lands were irrigated lands, the learned Reference Court has determined the rate at Rs.4,00,000/- per Hectare.

8. Therefore, as the learned Reference Court has determined the rate on the basis of the sale instances from the same village, which were prior to the Section 4 Notification, this Court is of the view that the learned Reference Court has granted just, reasonable and proper compensation. The compensation awarded cannot be said to be excessive or exorbitant so as to warrant interference with the order

passed by the learned Reference Court.

9. Hence, the present appeal is devoid of merit and the same is hereby dismissed. No order as to costs.

(SIDDHESHWAR S. THOMBRE, J.)

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