IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 FIRST APPEAL NO. 2606 OF 2008

STATE OF MAHARASHTRA
VERSUS
BHIKA DASHRATH PATIL AND ORS
...
AGP for Appellant/State : Mr. S.S. Dande
Advocate for Respondents 1 to 3/claimants : Mrs. Manisha R. Patil h/f. Mr. S.V. Bhosale
...
WITH
X-OBJECTION (STAMP) NO. 38130 OF 2016 IN FA/2606/2008
...

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

PER COURT :-

1. As the acquisition proceeding 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 28.11.2001 passed by the learned Civil Judge, Senior Division, Amalner in LAR No. 515/1993 by which the learned reference court has enhanced the compensation in favour of the claimants and granted rate of Rs. 399/- per R. for Jirayat lands and Rs. 798/- per R. for Bagayat lands. The original claimants have also filed cross objection.

3. The land of the claimants admeasuring 1 H. 11 R. from Gat No. 214 situated at village Sanpule, Taluka Chopda, District Jalgaon was acquired for Hatnur Irrigation Project. Notification under section 4 of the Land Acquisition Act came to be published on 16.12.1987. The Special Land Acquisition Officer (SLAO) has declared the award on 7.5.1990. Possession of the acquired lands was taken on 5.7.1990. The SLAO has granted total

compensation of Rs.47,639/- including statutory benefits. Therefore, after accepting the aforesaid amount under protest, the claimants sought reference under section 18 of the Act .

4. Before the reference court, the claimants relied upon sale instances, Exh. 34 and 48. Sale instance, Exh. 34, was in respect of land from village Khachane and the sale instance, Exh. 48, was in respect of land situated at the same village Sanpule. After considering the sale instance below Exh. 48, the learned reference court has granted rate of Rs.399/- per R. for Jirayat lands and Rs.798/- per R. for Bagayat lands. Being aggrieved, the State and the original claimants have filed present first appeal and cross objection.

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. As per the sale instance dated 21.2.1984, Exh. 48, 72 R. land from Gat No. 332 of village Sanpule was sold for Rs.25,000/- and the learned reference court by applying 15% escalation granted the aforesaid rate for the acquired lands. In this case, section 4 notification came to be published on 16.12.1987 and the sale instance is dated 21.2.1984. Therefore, instead of granting only 15% escalation, the learned reference court ought to have granted escalation at 10% per year from the date of execution of sale instance, Exh. 48 till issuance of notification under section 4, which comes to Rs.451/- per R. and by making it round off, I deem it appropriate to grant compensation at the rate of Rs.450/- per R. for acquired Jirayat land in the present case.

6. As regards interest and statutory benefits are concerned, the reference court has granted the same from the date of notification which is contrary to the law laid down by the full bench of this Court in the case of

State of Maharashtra vs. Kailas Shiva Rangari, 2016 (4) Mh.L.J. 457. Hence, I pass the following order.

O R D E R

(i) First appeal filed by the State is dismissed.

(ii) Cross objection filed by the claimants is partly allowed.

(iii) The impugned judgment and award is modified to the extent that the claimants shall be entitled to receive compensation at the rate of Rs.450/- per R. for their acquired Jirayat land.

(iv) The claimants shall be entitled to interest and statutory benefits from the date of award in view of the judgment of Full Bench of this Court in the case of **State of Maharashtra vs. Kailas Shiva Rangari,** (supra).

(v) Claimants are not entitled to interest and statutory benefits for the delay period, if any, caused in filing the cross objection.

(vi) Deficit court fees be paid.

(vii) The rest of the impugned Judgment and Award shall remain unaltered.

(viii) Modified award be drawn accordingly.

(ix) Pending civil applications, if any, also stand disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/