IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 FIRST APPEAL NO. 1013 OF 2009

THE STATE OF MAHARASHTRA
VERSUS
UMRAO SADHU KOLI
...
Mr. D. R. Korde, AGP for Appellant.
...

WITH
FIRST APPEAL NO. 1015 OF 2009

THE STATE OF MAHARASHTRA
VERSUS
RAOSAHEB JAIWATA MANE THR LRS
...
Mr. D. R. Korde, AGP for Appellant.

WITH
FIRST APPEAL NO. 1014 OF 2009

THE STATE OF MAHARASHTRA
VERSUS
ASHOK DIGAMBERRAO MANE
...
Mr. D. R. Korde, AGP for Appellant.

WITH
FIRST APPEAL NO. 1012 OF 2009

THE STATE OF MAHARASHTRA
VERSUS
RUKMAJI@RUKMAN BAPURAO MANE THR LRS
...
Mr. D. R. Korde, AGP for Appellant.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 1st OCTOBER, 2026

P.C.:-

1. Since the acquisition proceedings pertain to the year 1988, the appeals are heard finally with the consent of the learned Advocates for the respective parties.

2. By the present appeals, the Appellant/State is challenging the judgment and award dated 02.05.1998 passed by the learned Civil Judge, Senior Division, Latur, in LAR Nos.249/1993, 250/1993, 534/1992 and 535/1992, whereby the learned Reference Court enhanced the compensation in favour of the Original Claimants.

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

(i) The lands of the Claimants were acquired for the purpose of construction of the Left Bank Canal of the Lower Terna Project, Jewari, Taluka Nilanga, District Latur.

(ii) The Notification under Section 4 of the Land Acquisition Act, 1894 (for short, “the Act”) was published on 07.07.1988, and possession of the acquired lands was taken prior to the publication of the said Notification.

(iii) The Land Acquisition Officer (LAO) passed an award on 30.03.1991 (Exhibit-15) and granted compensation at the rate of Rs. 130/- per R, i.e., Rs. 13,000/- per hectare, which was less than the prevailing market value and inadequate. The Claimants, after receiving the compensation under protest,

sought a reference under Section 18 of the Act

4. Mr. D. R. Korde, learned AGP for the Appellant/State submits that the compensation awarded by the LAO was adequate, which was enhanced by the learned Reference Court. Hence, no further enhancement is warranted. The learned Reference Court has erroneously relied upon the sale instance at Exhibits-23 and 24 pertaining to village Malegaon Jewari. He further submits that the village Malegaon and Jewari at a distance of about 3 kms from each other. Thus, the learned Reference Court ought not to have relied upon the said sale instances, that too, by applying 10% escalation. Therefore, he prays to allow the appeals by setting aside the impugned awards.

5. None appears for the Claimants, though served.

6. Having heard the learned AGP for the Appellant/State and with his able assistance, I have gone through the record and proceedings. The perusal of impugned award reveals that the learned Reference Court has recorded the findings that the village Jewari is situated at a distance of 1½ kms from Malegaon and thus, learned Reference Court treated sale instance at Exhibit-23 as a comparable sale instance. The market value arrived at by the learned Reference Court is appropriate, therefore, this Court is of the view that the enhancement granted by the learned Reference Court is just, proper and reasonable. The learned Reference Court has not awarded

excessive or exorbitant compensation.

7. Hence, all the present appeals are devoid of merit and are accordingly dismissed. No order as to costs.

8. Pending civil applications, if any, are also disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

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