IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 FIRST APPEAL NO. 2282 OF 2016

The State Of Maharashtra Through Collector Latur And Another
VERSUS
Vyankat Shamrao Darade

.....

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 AGP for the appellant-State.

2. By this appeal, the appellant-State challenges the impugned Judgment and Award dated 13.01.2012 passed by the learned Joint Civil Judge, Senior Division, Ahmedpur, in Land Acquisition Reference No.278 of 2009, whereby the learned Reference Court enhanced the compensation payable to the respondent-claimant.

3. The lands admeasuring 26 R from Gat No.118 and 15 R from Gat No.178, situated at village Takalgaon, Taluka Ahmedpur, District Latur, were acquired for the Percolation Tank No.3 at Takalgaon. The notification under Section 4 of the Land Acquisition Act, 1894 (for short, “the Act”) was published on 05.12.2002. The Special Land Acquisition Officer (for short, “the SLAO”) passed the award on 13.11.2006 and determined compensation at the rate of Rs.55,600/- per hectare for Class-I lands and Rs.61,400/- per

hectare for Class-II lands. Being dissatisfied with the compensation awarded, the claimant accepted the amount under protest and sought a reference under Section 18 of the Act, contending that the compensation determined by the SLAO was inadequate.

4. Before the learned Reference Court, the claimants relied upon a copy of the award at Exhibit 16, the relevant 7/12 extracts and two sale instances at Exhibits 30 and 31. The sale instance at Exhibit 30, dated 16.05.2000, pertains to village Savargaon Rokda. The learned Reference Court did not rely upon the said sale instance, as it was considered to be too remote in point of time from the date of publication of the Section 4 notification. The sale instance at Exhibit 31, dated 07.09.2001, also pertains to village Savargaon Rokda, wherein land admeasuring 8 R was sold for a consideration of Rs.35,000/-. Relying upon the said sale instance and applying escalation at the rate of 7.5% per annum, the learned Reference Court assessed the market value and, after making a deduction of one-fifth to account for the difference between the sale instance and the acquired lands, determined the market value at Rs.1,50,500/- per acre.

5. Having regard to the evidence on record, particularly the sale instance at Exhibit 31 and the deduction made by the learned Reference Court to account for the difference between the sale instance and the acquired lands, the determination of market value 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. Hence, the appeal deserves to be dismissed.

6. The First Appeal is dismissed. The impugned Judgment and Award stands confirmed.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane