IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
934 CIVIL APPLICATION NO. 2391 OF 2013
IN FAST/3917/2013

Godavari Marathwada Irrigation Development Corporation
VERSUS
Prabhakar Ganpati Jogdand And Others

WITH
CIVIL APPLICATION NO. 2392 OF 2013
IN FAST/3917/2013

Godavari Marathwada Irrigation Development Corporation
VERSUS
Prabhakar Ganpati Jogdand And Others

AND
935 CIVIL APPLICATION NO. 2396 OF 2013
IN FAST/3914/2013

Godavari Marathwada Irrigation Development Corporation
VERSUS
Dnyanoba Bhavani Jogdand And Others

WITH
CIVIL APPLICATION NO. 2397 OF 2013
IN FAST/3914/2013

Godavari Marathwada Irrigation Development Corporation
VERSUS
Dnyanoba Bhavani Jogdand And Others

WITH
FIRST APPEAL (ST) NO. 3917 OF 2013

Godavari Marathwada Irrigation Development Corporation
VERSUS
Prabhakar Ganpati Jogdand And Others

WITH
FIRST APPEAL (ST) NO. 3914 OF 2013

Godavari Marathwada Irrigation Development Corporation
VERSUS
Dnyanoba Bhavani Jogdand And Others

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Ms. Geeta L. Deshpande for the Applicant.
Mr. S. B. Jadhav, AGP for State in CA/2391/2013.
Mr. A. M. Phule, AGP for State in CA/2396/2013.

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 22 OCTOBER 2026

P. C.:

Order in Civil Applications for leave to file Appeals:-

1. By these Applications, the acquiring body seeks leave to file Appeal on the ground that it was not made a party to the reference proceedings.

2. Considering the averments therein, the Applications are allowed and leave is granted.

Order in Civil Applications for condonation of delay in filing First Appeals:-

3. By these Applications, the acquiring body seeks to condone the delay caused in filing First Appeals.

4. Considering the averments made therein, the Applications are allowed and the delay is condoned.

Order is First Appeals:-

5. The present First Appeals are not on board. Taken on board.

6. As the acquisition proceeding is of the year 1993, the Appeals are heard finally with the consent of learned counsel for the respective parties.

7. By these Appeals, the acquiring body is assailing the judgments and awards dated 19th June 2010, passed by District Judge-1 at Ambajogai in LAR Nos.61 and 68 of 2006, whereby compensation came to be enhanced.

8. The land of the claimants from village Bardapur was acquired for Jawalgaon Minor Irrigation Tank. The notification under Section of the Land Acquisition Act, 1894 (for short "the Act") was published on 25th February 1993 and award under Section 11 of the Act was passed on 13th June 1996. The SLAO awarded compensation @Rs.240/- per R which was enhanced by the learned Reference Court to the tune of Rs.1000/- per R.

9. Ms. Deshpande, learned counsel for the acquiring body submits that the learned Reference Court has erroneously relied upon sale instance at Exh.17 though it pertained to a small piece of land. She submits that an earlier award passed in LAR No.67/2006 was placed on record at Exh.19 wherein compensation was awarded @Rs.625/- per R. The said reference proceeding arose out of same village and same project, yet the learned Reference Court discarded it and relied upon sale instance at Exh.17. Therefore, she prays to set aside the impugned awards by allowing the First Appeals.

10. Learned AGPs support the submissions of learned counsel for the acquiring body.

11. Though served, none appears for the claimants.

12. Having heard learned counsel for the acquiring body and upon

perusal of record and proceeding, particularly the impugned awards, it reveal that the learned Reference Court had relied upon Exh.17 dated 7th January 1992 whereby 1.5R land was sold for Rs.5,000/- which fetched market value of Rs.3,333/- per R. The said sale instance was executed prior to Section 4 notification. Thus, the learned Reference Court has rightly relied upon it.

13. Even so, the enhancement granted by the learned Reference Court is slightly more than four times the compensation awarded by the SLAO. In fact the State Government vide Government Resolution No.Sankirna-2014/Prak.Kra.4/Bham-1/A-4 dated 03.11.2016 with Corrigendum dated 23.02.2017 and 13.08.2018 to the said Government Resolution, took a decision not to challenge the reference, if compensation is enhanced only upto four times.

14. Therefore, I do not find that the learned Reference Court has committed any error while enhancing the compensation.

15. Hence, the First Appeals being devoid of merits, stand dismissed. No order as to costs.

16. Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE, J.]