IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 FIRST APPEAL NO. 1134 OF 2009

THE STATE OF MAHARASHTRA AND ORS
VERSUS
RAM HANMANTHRAO SARDA
...
Mr. A. M. Phule, AGP for the Appellant/State.
Mr. Vishwamber Digamberrao Gunale, Advocate for Respondent.
...

AND

CIVIL APPLICATION NO. 8361 OF 2008
IN FA/1134/2009

THE STATE OF MAHARASHTRA AND ORS
VERSUS
RAM HANMANTHRAO SARDA
...
Mr. A. M. Phule, AGP for the Applicant/State.
Mr. Vishwamber Digamberrao Gunale, Advocate for Respondent.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 28th OCTOBER, 2026

P.C.:-

1. Since the acquisition proceedings pertain to the year 1993, the appeal is heard finally with the consent of the learned Advocates for the respective parties.

2. By this appeal, the Appellant/State is challenging the judgment and award dated 18.10.2003 passed by the learned Civil Judge, Senior Division, Ahmedpur Camp at Udgir in L.A.R. No.2334/2001 (Old No.688/1995), whereby the learned Reference

Court enhanced the compensation.

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

(i) The lands of the Claimant, bearing Survey No.21, admeasuring 93 R, and Survey No.22, admeasuring 3.54 R, situated at village Javalga were acquired for the construction of the K.T. Weir at Girakchal, Village Javalga, Taluka Udgir, District Latur.

(ii) The Notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") came to be published on 11.03.1993.

(iii) The Land Acquisition Officer (LAO) passed an award on 07.11.1994 and granted compensation at the rate of Rs.12,800/- per Acre.

(iv) After accepting the aforesaid amount, the Claimant sought a reference under Section 18 of the Act. Before the learned Reference Court, the Claimant relied upon five sale instances at Exhibits-27 to 31, out of which the sale instance at Exhibit 27 was considered and determined the market value @ of Rs.70,000/- per Acre.

4. Mr. A. M. Phule, learned AGP for the Appellant/State submits that the learned Reference Court has awarded excessive compensation without properly appreciating the evidence on record. He submits that the sale instance relied upon by the learned Reference Court is dated 29.03.1984, whereas the notification under Section 4 of the Act was

published on 11.03.1993. Therefore, the said sale instance cannot be relied upon without making appropriate adjustments. He further submits that the enhancement granted by the learned Reference Court is excessive and, hence, the impugned judgment and award deserves to be modified accordingly.

5. Per contra, Mr. Vishwamber Digamberrao Gunale, Advocate for Claimant/Respondent supports the judgment and award passed by the learned Reference Court. He submits that the learned Reference Court has properly appreciated the evidence on record, particularly the sale instance at Exhibit 27, while determining the market value of the acquired land. He further submits that the compensation awarded is just and reasonable and does not warrant any interference by this Court. Hence, he prays for dismissal of the appeal.

6. Having heard the learned Advocates for the respective parties and with their able assistance, I have gone through the record and proceedings. As per the sale instance at Exhibit 27, land admeasuring 22 R was sold for a consideration of Rs.17,000/-, which works out to approximately Rs.41,800/- per acre. The said sale deed was executed on 29.03.1984. By applying an escalation rate of 10% per annum for nine years, the market value was determined.

7. Considering the above circumstances, this Court is of the considered view that the enhancement granted by the learned

Reference Court, determining the market value at the rate of Rs.70,000/- per acre, is neither excessive nor exorbitant.

8. Therefore, there is no reason to interfere with the judgment and award passed by the learned Reference Court.

9. Hence, the present appeal is dismissed. No order as to costs.

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

(SIDDHESHWAR S. THOMBRE, J.)

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