IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 FIRST APPEAL NO. 2809 OF 2017

THE STATE OF MAHARASHTRA AND ORS
VERSUS
DHANANJAY UTTAMRAO PATIL AND ANR
...
AGP for appellants/State : Mr. B.A. Shinde
Advocate for Respondents 1 & 2 : Mr. A.S. More
...
WITH
X-OBJECTION (STAMP) NO. 38949 OF 2018 IN FA/2809/2017
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : October 08, 2026

PER COURT :-

1. As the acquisition proceedings is initiated in the year 2003, heard finally with the consent of learned counsel for respective parties.

2. By this appeal, the appellants/State assails the judgment and award dated 19.1.2016 passed by the learned Civil Judge, Senior Division, Paranda in LAR No. 832/2011 (Old No. 972/2010), whereby the learned reference court has enhanced the compensation in favour of the claimants, but not granted as claimed, hence, the claimants have also filed cross objection.

3. The land of the claimants admeasuring 4 H. 16 R. from Gat No. 527 situated at village Wakadi, Tal. Paranda, Dist. Osmanabad was acquired for percolation tank at village Wakadi, Taluka Paranda, District Osmanabad. Notification under section 4 of the Land Acquisition Act came to be published on 21.5.2003. Special Land Acquisition Officer (SLAO) has declared the award on 28.4.2005 and has granted rate of Rs. 41,200/- per Acre. The claimants accepted the amount under protest and sought reference under section 18 of the Land Acquisition Act by contending that

the SLAO has granted very meager compensation.

4. Before the reference court, the claimants relied upon two sale instances, Exhs. 21 and 22. The learned reference court discarded the sale instance, Exh. 21, thought from the same village and relied upon the sale instance, Exh. 22 which was from adjacent village Shirsav. After considering the sale instance, Exh. 22, the learned reference court enhanced compensation at the rate of Rs. 2,24,000/- per Acre for dry land and Rs.3,00,000/- per Acre for seasonally irrigated land. Hence the present proceedings are filed by the State as well as the original claimants. The original claimants filed the appeal on the ground that though the sale instance from the same village was available, the learned reference court has relied upon the sale instance from other village and has granted compensation.

5. Mr. A.S. More, learned counsel for the original claimants submits that the claimants relied upon the two sale instances, Exhs. 21 and 22. As regard sale instance dated 12.9.2001, Exh. 21 is concerned, 5 R. dry land was sold for Rs.35,000/- and the said land is from the same village and therefore, the learned reference court ought to have considered the same as comparable sale instance and ought to have granted compensation accordingly. He submits that the reference court has wrongly relied upon sale instance, Exh. 22, by which 10 R. from Gat No. 696 situated at village Shirsav was sold for Rs.56,000/- and has granted meager compensation at the rate of Rs. 3,00,000/- per Acre. He further submits that even the claimants are entitled to receive price escalation of 10% for two years as section 4 notification came to be issued in the present matter on 21.5.2003 and the sale instance, Exh. 21 was executed on 12.9.2001.

6. Per contra, Mr. B.A. Shinde, learned AGP for the State submits that the learned reference court has wrongly relied upon sale instance, Exh. 22. He further submits that SLAO has also collected sale instances from the villages from where lands were acquired and there were two sale instances relied upon by SLAO. As regards sale instance at Sr. No. 2 is concerned, it pertains to the same village by which 27 R. land was sold for Rs.63000/- and therefore, considering the above, he submits that the SLAO has rightly granted compensation and prayed to dismiss the cross objection filed by the original claimants and allow the appeal filed by the State. He further submits that as regards interest and statutory benefits are concerned, the reference court has wrongly granted the same from the date of possession 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**.

7. 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 order of the reference court. After going through the same, it appears that the claimants relied upon two sale instances, Exhs. 21 and 22. As regards sale instance, Exh. 21 is concerned, it is dated 12.9.2001 by which 5 R. land was sold for Rs. 35,000/-. As far as another sale instance, Exh. 22 is concerned, that was from village Shirsav by which 10 R. land was sold for Rs.56,000/-. Considering the above, once the sale instance from the same village is available, the learned reference court ought to have considered the same. After going through the boundaries of the land from sale deed, Exh. 21, it appears that on one side there was government road and that pertains to the small piece of land. Therefore, considering that the land involved in sale instance is small piece, this court

is of the view that by applying 30% deductions rate comes to Rs.1,96,000/- per Acre and after applying 20% escalation the rate comes to Rs.2,35,200/- per Acre for dry land and as the acquired land is seasonally irrigated land, the comes to Rs.3,52,800/- per Acre and by making it round off, this court is of the opinion that the claimants are entitled to receive rate of Rs. 3,50,000/- for seasonally irrigated land.

8. 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**, (supra). Hence, I pass the following order.

O R D E R

(i) The first appeal and cross objection are partly allowed.

(ii) The claimants are entitled to receive compensation at the rate of Rs.3,50,000/- per Acre per R for their seasonally irrigated land.

(iii) The claimants shall be entitled to all statutory benefits on the enhanced compensation, in accordance with the provisions of the Land Acquisition Act, 1894.

(iv) The claimants shall be entitled to interest under Sections 28 and 34 of the Act, from the date of award in view of the law laid down by the Full Bench of this Court in **State of Maharashtra vs. Kailas Shiva Rangari**, (supra).

(v) Impugned judgment and award is modified accordingly.

(vi) The rest of the award shall remain unaltered.

(vii) The claimants shall pay the deficit court fees, if any, on the enhanced amount.

(viii) The modified Awards be drawn accordingly.

(ix) Pending Civil Applications, if any, stand disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/