



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
937 CIVIL APPLICATION NO. 4402 OF 2010
IN FAST/7742/2010

The Chief Engineer (construction) Central Railway
VERSUS
Manchakrao Bairam Done And Ors

WITH
FIRST APPEAL (ST) NO. 7742 OF 2010

The Chief Engineer (construction) Central Railway
VERSUS
Manchakrao Bairam Done And Ors

AND
FIRST APPEAL NO. 3332 OF 2011

The Chief Engineer (construction) Central Railway
VERSUS
Sau Shantabai Manohar Shinde And Ors

AND
FIRST APPEAL NO. 2335 OF 2014

The Chief Engineer (construction) Central Railway
VERSUS
Amin Dadan Kabade And Ors

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Mr. Manish Navandar for Applicant.
Mr. Rohit Gunale h/f V. D. Gunale for Respondent No.1.
Mr. AAA Khan, AGP for State.

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 6 AUGUST 2026

P. C.:

Civil Application No. 4402 Of 2010 in FAST/7742/2010

1. The present Civil Application is filed for condonation of delay of 168 days in filing First Appeal.

2. Considering the averments made in the Application, the delay is condoned in terms of prayer clause 'B'.

First Appeal (St) No. 7742 Of 2010, First Appeal No. 3332 Of 2011 and First Appeal No.2335 Of 2014

3. These First Appeals are not on board. Upon mentioning, taken on board.

4. The First Appeal Nos.3332 of 2011 and 2335 of 2014 are already admitted. As the acquisition proceeding is of the year 1995, all the First Appeals are being heard finally with the consent of learned counsel.

5. The Appellant/acquiring body is assailing the order dated 15th April 2009, passed by 3rd Jt. CJSD Latur in LAR Nos.132/2007, 275/2004 and 1115/1999 whereby enhanced compensation came to be granted to the claimants.

6. The land of the claimants at village Harangul (Bk.) Tq. Latur was acquired for expansion of railway line into broad gauge. The notification under Section 4 was published on 26th September 1995, award was passed on 31st January 1999, the SLAO granted compensation @Rs.1085/- per R which was enhanced by the learned Reference Court to the tune of Rs.6,000/- per R. The claimants had claimed compensation @Rs.250/- per sq. ft.

7. The learned counsel for the acquiring body submits that the learned Reference Court has granted enhancement to the tune of Rs.6000/- per R

only upon guesswork and by relying upon award passed by the LAO which is filed below Exh.22. The enhancement granted without giving reasons deserves to be quashed. He further submits that the learned Reference Court has rightly discarded the sale instances produced below Exhs.31 to 37, but it erred in relying upon award passed by the LAO while enhancing the compensation. Therefore, he prays to quash the impugned award.

8. The learned AGP supports the submission of the learned counsel for the acquiring body.

9. Per contra learned counsel for the claimants submits that the claimants had filed sale instances below Exhs.31 to 37 but the same were discarded by the learned Reference Court on the ground that they pertained to non-agricultural lands whereas the acquired land was agricultural land. At the same time, learned Reference Court has enhanced the compensation by relying upon award passed by the LAO thereby enhancing the compensation to the tune of Rs.6000/- per R which is appropriate. Hence, he prays to dismiss the First Appeals.

10. Having considered rival submissions of the respective counsel and upon perusal of record and proceeding it is clear that the sale instances relied upon by the claimants were pertaining to non-agricultural lands. Whereas the acquired lands were not converted into non-agricultural lands. Therefore, the learned Reference Court has rightly discarded the said sale instances below Exhs.31 to 37. Though the learned Reference Court has

relied upon award passed by the LAO which was produced below Exh.22 wherein the LAO had awarded compensation of Rs.1085/- per R, the learned Reference Court has enhanced the same to an adequate extent of Rs.6000/- per R, which in my opinion can be said to be sufficient enhancement. Thus, I do not find any reason to interfere with the impugned award.

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

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

[SIDDHESHWAR S. THOMBRE, J.]