IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

252 FIRST APPEAL NO. 1245 OF 2017

The State Of Maharashtra And Another
VERSUS
Bhimrao Arjun Kanade And Another

AND
FIRST APPEAL NO. 1246 OF 2017

The State Of Maharashtra And Another
VERSUS
Sarjerao @ Sudhir Bhimrao, Kanade And Another

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Mr. A.M. Phule, AGP for Appellant-State

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 06 OCTOBER, 2026

PER COURT :

1. Heard learned AGP for the appellant-State.

2. By these appeals, the appellant-State takes exception to the common Judgment and Award dated 20.03.2013 passed by the learned 4th Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference Nos.405 of 2007 and 404 of 2005.

3. The lands belonging to the respective claimants were acquired for the purpose of construction of Percolation Tank No.1 at village Hingalajwadi. The notification under Section 4 of the Land Acquisition Act, 1894 was published on 03.03.1998. The Special Land Acquisition Officer passed the

award under Section 11 of the Act on 24.02.2000 and awarded compensation ranging from Rs.300/- to Rs.350/- per R. The claimants received the said amount under protest, reserving their right to claim enhanced compensation. Being dissatisfied with the award, the claimants sought references under Section 18 of the Act.

4. Before the learned Reference Court, the claimants relied upon the sale instance at Exhibit 40, whereby 13 R. of land was sold for a consideration of Rs.13,000/-. The learned Reference Court, after applying escalation at the rate of 7.5% per annum to the said sale instance, determined the rate at Rs.54,800/- per Acre. Since the land covered by the said sale instance was situated in another village, the learned Reference Court applied a deduction of 30% and, accordingly, arrived at a rate of Rs.38,300/- per Acre for the non-irrigated land. he learned Reference Court has also taken into consideration the Judgment and Award passed in LAR No.406 of 2007, wherein the land acquired from the same village, for the same project and under the same award, was valued at the rate of Rs.58,000/- per Acre.

5. Having regard to the sale instance relied upon by the claimants and, more particularly, the rate determined in LAR No.406 of 2007 in respect of land acquired from the same village, for the same project and under the same award, this Court finds that the market value determined by the learned Reference Court at the rate of Rs.58,000/- per Acre is just, proper

and reasonable. No case is made out for interference with the impugned Judgment and Award.

6. The First Appeals are dismissed.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane