IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 FIRST APPEAL NO. 1571 OF 2008

BAPU JIJABA ADMANE THR LRS
VERSUS
THE STATE OF MAHARASHTRA AND ANR
...
Mr. A. B. Kale, Advocate for Appellant.
Mr. S. N. Morampalle, AGP for Respondent No.1-State.
Mr. Vivek V. Tarde, Advocate for Respondent No.2-acquiring body.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 28th OCTOBER, 2026

P.C.:-

1. Since the acquisition proceedings pertain to the year 1974, the appeal is heard finally with the consent of the learned Advocates for the respective parties.

2. By this appeal, the Appellant/Claimant is challenging the judgment and award dated 25.01.2008 passed by the learned Civil Judge, Senior Division, Shrirampur, District Ahmednagar, in L.A.R. No.14/1989 (Old No.14/1986).

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

(i) The land of the Original Claimant, admeasuring 2 Hectares 02 R, from Gat No.79 (Survey No.7/1), situated at village Georai, Taluka Newasa, District Ahmednagar, was acquired for the rehabilitation of project-affected persons at village Georai.

(ii) The notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act"), came to be published on 17.01.1974, and possession of the acquired land was taken on 07.10.1986.

(iii) The Land Acquisition Officer (LAO) passed an award on 08.03.1982 and granted compensation at the rate of Rs.2,000/- per hectare.

(iv) Being dissatisfied with the compensation awarded, the Claimant accepted the amount under protest and sought a reference under Section 18 of the Act.

4. After accepting the aforesaid compensation, the Claimant filed an application before the Collector seeking a reference for determination of the correct market value of the acquired land. Before the learned Reference Court, the Claimant relied upon four sale instances pertaining to different villages, which were exhibited at Exhibits 52 to 55. However, while determining the compensation, the learned Reference Court considered the sale instances relied upon by the LAO while passing the award and took average of sale deeds at Serial Nos.3, 17 and 18. Despite considering the said sale deeds, the learned Reference Court did not grant compensation at the rate reflected therein and instead enhanced the compensation to Rs.3,500/- per Hectare. Being aggrieved by the same, the present appeal is filed.

5. Mr. Ajeet B. Kale, learned Advocate for the

Appellant/Original Claimant submits that the sale instances at Exhibits 52 to 55, though pertaining to other villages, could be considered comparable sale instances by applying appropriate deductions. He further submits that even if the findings recorded by the learned Reference Court are accepted, the highest sale instance at Serial No.17, which pertains to the acquired village, ought to have been considered. However, instead of granting compensation at the rate reflected in the said sale instance, the learned Reference Court enhanced the compensation only to Rs.3,500/-. He submits that the acquired land falls within the command area and abuts the Gevrai-Wakadi Road. Therefore, an enhancement of 20% ought to have been granted over the rate reflected in the sale instance at Serial No.17. He, therefore, prays that the appeal be allowed.

6. Per contra, Mr. S. N. Morampalle, learned AGP for the Respondent/State, supports the judgment and award passed by the learned Reference Court and submits that the compensation has been rightly determined. He contends that the sale instances pertaining to different villages cannot be considered, as they relate to lands situated far away from the acquired land. The Claimant has also failed to establish the distance between the acquired village and the villages where the lands covered by the sale deeds are situated. He, therefore, prays that the appeal be dismissed.

7. Having heard the learned Advocates for the respective parties and with their able assistance, I have gone through the record and proceedings. Upon perusal of the judgment and award passed by the learned Reference Court, it is evident that the learned Reference Court rightly discarded the sale instances at Exhibits 52 to 55, as they pertained to different villages and the Claimant had not adduced any evidence to establish their proximity to the acquired village.

8. Furthermore, the learned Reference Court recorded that sale instances at Serial Nos.1 to 3 and 13 to 18 pertained to the acquired village. Out of these, the sale instance at Serial No.17 was taken into consideration. As per the said sale instance, the rate works out to Rs.3,774/- per hectare. Considering that the acquired land abuts the road and falls within the command area, whereas the sale instance pertains to dry land, an enhancement of 15% over the rate reflected in the sale deed at Serial No.17 would be justified. Accordingly, the rate of Rs.3,774/- per hectare, with an enhancement of 15%, works out to Rs.4,340/- per hectare, rounded off. The learned Reference Court has already granted an enhancement of 15%. Therefore, this Court finds it appropriate to maintain the said enhancement. Hence, I proceed to pass the following order:-

ORDER

(i) The present appeal is partly allowed.

(ii) The judgment and award dated 25.01.2008 passed by the learned Civil Judge, Senior Division, Shrirampur, District Ahmednagar in L.A.R. No.14/1989 (Old No.14/1986) is modified to the extent that the Claimant is entitled to receive compensation @ of Rs.4,340/- per Hectare for their acquired land.

(iii) The Claimant is entitled to interest under Sections 28 and 34 of the Act from the date of the award as per the law laid down by the Full Bench of this Court in ***State of Maharashtra Vs. Kailash Shiva Rangari***, reported in ***2016(3) Mh.L.J. 457***.

(iv) Rest of the impugned award remains unaltered.

(v) Modified award be drawn accordingly.

(vi) The Claimant to pay deficit Court fees, if any.

(vii) Pending civil applications, if any, are also disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

Tauseef