IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 FIRST APPEAL NO. 2709 OF 2009

STATE OF MAHARASHTRA
VERSUS
LAXIMAN MARUTI KHOD AND ANR
...
Mr. S. S. Dande, AGP for the Appellant/State.
Mr. Tatyasaheb Balbhimrao Bhosale, Advocate for Respondent No.2.
...
WITH
FIRST APPEAL NO. 2708 OF 2009

STATE OF MAHARASHTRA
VERSUS
ASHRUBA MAHADA KHARSADE AND ORS
...
Mr. S. S. Dande, AGP for the Appellant/State.
...
WITH
FIRST APPEAL NO. 2706 OF 2009

STATE OF MAHARASHTRA
VERSUS
UDHAV SIVDAS KHARSADE AND ORS
...
Mr. S. S. Dande, AGP for the Appellant/State.
Mr. Tatyasaheb Balbhimrao Bhosale, Advocate for Respondent Nos.1 to 3.
...
WITH
FIRST APPEAL NO. 2707 OF 2009

STATE OF MAHARASHTRA
VERSUS
PARMESHWAR GOPINATH GHOLAP AND ORS
...
Mr. S. S. Dande, AGP for the Appellant/State.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 1st OCTOBER, 2026

P.C.:-

1. Since the acquisition proceedings pertain to the year 1988, the appeals are heard finally with the consent of the learned Advocates for the respective parties.

2. By the present appeals, the Appellants/State are challenging the judgment and award dated 10.10.2003 passed by the learned IInd Adhoc Additional District Judge, Beed in LAR Nos.55/1993, 56/1993, 57/1993 and 325/1993, whereby the learned Reference Court has partly allowed the references.

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

(i) The lands of the Claimants were acquired for construction of Percolation Tank at Vasanwadi, Taluka and District Beed.

(ii) The Notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") was published on 06.10.1988 and the Notification under Section 6 of the Act came to be published on 18.01.1990. The possession was taken on 05.08.1983.

(iii) The Special Land Acquisition Officer (SLAO) passed an award on 05.03.1991 and granted compensation at the rate of Rs.170/- per R.

(iv) After accepting the amount under protest, the Claimants sought reference under Section 18 of the Act. The Claimants relied upon

the sale instances below Exhibits-51, 52, 53, 53A, 35, 33 and 54, and also the order passed in LAR No.332 of 1989 below Exhibit-41, as well as the 7/12 extracts below Exhibits-19, 20 and 55.

4. Mr. S. S. Dande, learned AGP for the Appellant/State submits that the learned Reference Court has granted excessive and exorbitant enhancement in compensation. He submits that the sale instances relied upon by the learned Reference Court were not comparable with the acquired lands and that the compensation awarded by the Special Land Acquisition Officer was just and proper. He, therefore, submits that the impugned judgment and award passed by the learned Reference Court deserves to be set aside and the appeals be allowed.

5. Mr. Tatyasaheb Balbhimrao Bhosale, learned Advocate for the Respondents submits that the learned Reference Court has rightly relied upon the sale instances from the same village and the order passed in LAR No.332 of 1989, while determining the market value of the acquired lands. He submits that the enhancement granted by the learned Reference Court is just, reasonable and proper and that no excessive or exorbitant compensation has been awarded. He, therefore, submits that the impugned judgment and award does not call for any interference and the appeals be dismissed.

6. Having heard the learned Advocates for the respective parties and with their able assistance, I have gone through the record and

proceedings. The Claimants also claimed the amount towards the fruit-bearing trees. The learned Reference Court, after relying upon the 7/12 extracts and also the sale instances from the acquired village, found that some of the sale instances from the municipal limits of the Beed Municipal Council were not relevant and, therefore, the sale instances from the agricultural lands were relied upon and the rate for the acquired lands was determined. The learned Reference Court refused to entertain the claims to the extent of the fruit-bearing trees and determined the rate at Rs.1,500/- per R. More particularly, the learned Reference Court relied upon the order passed in LAR No.332 of 1989, whereby the lands from the same village were acquired and the rate was determined. Thereafter, considering the sale instances from that village relating to agricultural land and also the order passed in the said LAR, the learned Reference Court determined the rate for the acquired land. Therefore, this Court is of the view that the enhancement granted by the learned Reference Court is just, reasonable and proper and that no excessive or exorbitant compensation was awarded by the learned Reference Court.

7. Hence, the present appeals are devoid of merit and the same are hereby dismissed. No order as to costs.

(SIDDHESHWAR S. THOMBRE, J.)

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