IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

327 CIVIL APPLICATION NO. 7129 OF 2017 IN FAST/11363/2017

The State Of Maharashtra And Others
VERSUS
Annasaheb Agand Ghandure And Others

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Mr. B.A. Shinde, AGP for Appellant-State

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

PER COURT :

ORDER IN CIVIL APPLICATION NO.7129 OF 2017 :

1. The present Civil Application is filed by the State for condonation of 835 days delay caused in filing the First Appeal.

2. For the reasons stated in the application, the Civil Application deserves to be allowed. The Civil Application is allowed. The delay of 835 days caused in preferring the respective First Appeals stand condoned.

ORDER IN FIRST APPEAL (STAMP) NO. 11363 OF 017 :

3. Heard learned AGP for the Appellant-State.

4. By this appeal, the Appellant-State takes exception to the Judgment and Award dated 19.09.2014 passed by the learned 2nd Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference No.370 of 2010.

5. The land admeasuring 1 Hectare 11 R from Gat No.93 and land admeasuring 2 Hectares 05 R from Gat No.94, belonging to the claimants and situated at Village Suratgaon, Taluka Tuljapur, District Osmanabad, came to be acquired for the purpose of construction of Suratgaon Storage Tank. The notification under Section 4 of the Land Acquisition Act, 1894, was published on 13.05.2002. The Special Land Acquisition Officer passed the award under Section 11 of the said Act on 29.07.2003 and awarded total compensation of Rs.1,73,355/- for the acquired lands. The claimants received the said amount under protest, reserving their right to seek enhanced compensation. Being dissatisfied with the compensation awarded by the Special Land Acquisition Officer, the claimants sought a reference under Section 18 of the said Act.

6. Before the learned Reference Court, the claimants relied upon the sale instances at Exhibits 57 to 59, which pertained to another village. The claimants also relied upon the 7/12 extracts at Exhibits 63 to 72. On consideration of the 7/12 extracts at Exhibits 63 and 64, the learned Reference Court found that there was no entry in respect of a well or any other source of water in Gat No.93 and that there was also no evidence to show that the claimants were taking irrigated crops in the said land. The learned Reference Court, therefore, treated the acquired land from Gat No.93 as non-irrigated land and determined the market value thereof at the rate of Rs.4,437/- per R. As regards the land acquired from Gat No.94, the

learned Reference Court relied upon the 7/12 extract at Exhibit 65 and, on consideration thereof, found that the said land had a well and that the claimants were taking crops which could be grown on irrigated land. The learned Reference Court, therefore, treated the acquired land from Gat No.94 as irrigated land and determined the market value thereof at the rate of Rs.8,875/- per R.

7. This Court finds that the learned Reference Court has considered the relevant documentary evidence produced by the claimants, including the 7/12 extracts, while determining the nature of the acquired lands and the corresponding market value. Nothing is brought to our notice to demonstrate that the findings recorded by the learned Reference Court, particularly with regard to the classification of the acquired lands from Gat Nos.93 and 94 as non-irrigated and irrigated lands respectively, are perverse or contrary to the evidence on record. The market value determined by the learned Reference Court at the rate of Rs.4,437/- per R for the acquired land from Gat No.93 and Rs.8,875/- per R for the acquired land from Gat No.94 cannot be said to be excessive or exorbitant so as to warrant interference by this Court. No error or illegality is pointed out in the impugned Judgment and Award warranting interference in the present appeal. The findings recorded by the learned Reference Court are based on the evidence available on record. The appeal, therefore, being devoid of merit, deserves to be dismissed.

8. The First Appeal is dismissed.

9. Pending Civil Application(s), if any, stand disposed of accordingly.

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane