IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

253 FIRST APPEAL NO. 586 OF 2016

The State Of Maharashtra
VERSUS
Ramchandra R Shevate

.....

Mr. D.R. Korde, 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 this appeal, the appellant-State takes exception to the common Judgment and Award dated 11.09.1998 passed by the learned Extra Joint District Judge, Latur, in Land Acquisition Reference No.62 of 1993.

3. The lands admeasuring 40 R. from Survey Nos.58/4 and 58/5, belonging to the claimant and situated at village Wajarwada, Taluka Ahmedpur, District Latur, were acquired for the purpose of construction of Wajarwada Percolation Tank No.1 at village Hingalajwadi. The notification under Section 4 of the Land Acquisition Act, 1894 was published on 01.02.1982 and possession of the acquired lands was taken in the year 1978. The Special Land Acquisition Officer passed the award under Section 11 of the Act on 20.02.1992 and awarded compensation at the rate of

Rs.7,000/- per Hectare and Rs.6,250/- per Hectare. The claimant received the said amount under protest, reserving the right to claim enhanced compensation. Being dissatisfied with the award, the claimant sought a reference under Section 18 of the Act. The learned Reference Court, after considering the evidence led by the claimant, awarded compensation at the rate of Rs.35,000/- per Hectare for Group III and Rs.30,000/- per Hectare for Group II.

4. Learned AGP submits that, though there was a delay of nine years, the learned Reference Court has granted statutory benefits. He submits that, in the present matter, the notification under Section 4 of the Act was published on 01.02.1982. He further submits that the observations made by the learned Reference Court regarding the delay are not proper, as the Special Land Acquisition Officer had no power to condone the delay. He, therefore, submits that the impugned Judgment and Award be modified to that extent.

5. I have considered the submissions of the learned AGP and have also gone through the impugned Judgment and Award passed by the learned Reference Court.

6. It appears from the record that possession of the acquired land was taken in the year 1978 and the notification under Section 4 of the Act was published on 01.02.1982. There was no stay operating in the proceedings

during the pendency of the present appeals. Having regard to the lapse of time and the circumstances of the present matter, this Court is not inclined to interfere with the grant of statutory benefits by the learned Reference Court.

7. As regards the determination of compensation on merits, before the learned Reference Court, the claimant relied upon the sale instance at Exhibit 30 from the same village. Under the said sale instance, 53 R. of land was sold for a consideration of Rs.15,000/-. The said sale instance pertains to the year 1972. Taking the said sale instance into consideration, the learned Reference Court determined the market value of the acquired lands at the aforesaid rates for the respective groups. The determination made by the learned Reference Court is based upon the evidence on record and cannot be said to be unjust or unreasonable. No case is made out for interference with the impugned Judgment and Award.

8. The First Appeal is dismissed.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane