IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO. 11444 OF 2026
IN FA/2780/2025

Mangalabai Bapurao Ghanwat.
VERSUS
The State Of Maharashtra, Through The Collector, Jalna And Ors.

WITH
CIVIL APPLICATION NO. 4118 OF 2025
IN FA/2781/2025

Babasaheb Abasaheb Borade
VERSUS
The State Of Maharashtra And Ors

WITH
CIVIL APPLICATION NO. 4119 OF 2025
IN FA/2780/2025

Mangalabai Bapurao Ghanwat
VERSUS
The State Of Maharashtra And Ors

WITH
CIVIL APPLICATION NO. 8874 OF 2018
IN FA/2780/2025

Ex. Engineer, Nimna Dudhana Project Div. Selu Thr Jalna Irrigation Div. Jalna
VERSUS
The State Of Maharashtra And Ors

WITH
CIVIL APPLICATION NO. 11445 OF 2026
IN FA/2781/2025

Babasaheb Abasaheb Borade.
VERSUS
The State Of Maharashtra, Through The Collector, Jalna And Ors.

WITH
CIVIL APPLICATION NO. 8872 OF 2018
IN FA/2781/2025

Ex. Engineer, Nimna Dudhana Project Div. Selu Thr Jalna Irrigation Div. Jalna
VERSUS
The State Of Maharashtra And Ors
...
Mr.Solshe Vinesh C. for the Appellant.
Mr.More Kumar Gaurav M. for the Applicant.
Dr.Kalpalata Patil Bharaswadkar, Addl.G.P. for the Respondent/State.
....

CORAM : MANJUSHA DESHPANDE, J.
DATE : 29.10.2026

PER COURT :

1. Both the First Appeals are taken up for final disposal, in view of earlier decision of this Court passed in First Appeal Nos.3651 of 2019 and 3652 of 2019 decided vide order dated 17.07.2026. The Appeals are filed by the Acquiring Body against the L.A.R. Nos.830 of 2013 and 831 of 2013, which have been decided by order dated 09.02.2017. The acquired lands are situated in Mantha, Taluka Mantha, District Jalna. The Acquiring Body has acquired land in Gut Nos.84 and 90 respectively to the extent of 43 R and 1 H 62 R for the purpose of rehabilitation of 'Nimna Dudhana Project (Nansi)'. Section 4 notification was issued on 01.03.2008 and the award was declared on 15.07.2010. It is submitted that the Special Land Acquisition Officer has awarded at the rate of Rs.3,600/- per R and Rs.3,700 per R, respectively.

2. In view of the insufficiency of the compensation awarded by the Special Land Acquisition Officer, reference applications were filed by the claimants for enhancement of compensation and they have led documentary evidence in both the reference applications. No evidence was led by the Acquiring Body. The Reference Court has passed the Judgment and Award based on the evidence led by the respective claimants.

3. The learned Advocate for the Acquiring Body submitted that the Reference Court considered the non-agricultural (NA) potentiality of acquired land without any evidence. The observations are made by the Reference Court based on assumption that the acquired land has NA potentiality, since the Competent Authority was granting permissions for NA use in that area. He, therefore, submitted that since no evidence in support of NA potentiality was produced by the claimants, the rate of market value granted by the Special Land Acquisition Officer was not appropriate. It is also submitted that the claimants have relied on three sale instances in support of reference application and the Reference Court has discarded two and relied only on one sale instance below Exhibit-16, based on which enhanced compensation at the rate of Rs.240/- per square meter has been granted. While granting such compensation, no evidence is led showing proximity of the acquired land and the land under the sale instance.

4. Per contra, the learned Advocate for the claimants submitted that the lands are acquired for the purpose of rehabilitation of the project affected persons, which itself shows that the acquired lands had NA potentiality. According to him, the village map of Mantha was brought on record before the Reference Court, which clearly supports the contention of the claimants that the acquired lands are near the gaonthan. It is submitted that since no evidence was led by the Acquiring Body, the evidence produced by the claimants remained unshattered in the cross-examination. The sale instance relied by the Reference Court was genuine sale instance.

5. The learned Advocate for the Claimants has further relied on decision in First Appeal No.3651 of 2019 with connected First Appeal to contend that the aforementioned First Appeals are arising out of the same land acquisition proceedings for the same project and from the same village. The relevant portion of the order dated 17.07.2026 is reproduced hereunder, which reads thus :

Sr. No.	*LAR No.*	*Area*	*Gat No.*
01.	*219/2012*	*1-Hectare 91-R*	*83*
02.	*281/2012*	*32-R*	*83*

6. Therefore, on the ground of parity, the rate granted to the claimants in the aforementioned First Appeals also deserves to be granted

to the claimants, which has already been granted by the Reference Court. Upon going through the order passed in First Appeal No.3651 of 2019, this Court has further relied on the First Appeal (Stamp) No.11778 of 2013 decided on 17.04.2026, wherein it has considered the rate of Rs.25.93 square feet for the acquisition of lands in 1997 from the same village, i.e., Mantha and the acquisition in the case at hand is of the year 2008. Therefore, the enhancement granted by the Reference Court appears to be just and proper and calls for no interference.

7. Since it is not disputed that the land of the claimants is acquired for the purpose of rehabilitation of the project affected persons and the claimants examined themselves on oath and brought on record the relevant documents, i.e., sale instances, map of the village Mantha, it is not in dispute that no evidence has been led by the Acquiring Body. So far as the contention of the learned Advocate for the Acquiring Body in respect of the observation that permissions were being granted by the Competent Authority for the lands of village Mantha, there is no material placed on record in support of the said contentions. Therefore, the submission of the learned Advocate for the Acquiring Body does not deserve any consideration. So far as the objection regarding the proximity of the acquired land and the land under the sale instance below Exhibit-16 is concerned, the village map of the Mantha has already been brought on record. The observations made in Paragraph No.10 of the Judgment of

the Reference Court goes to show that the sale instance relied is of the year 2007, for which Rs.240/- per square meter was granted for NA use of land. The map of village Mantha shows that the gut number which was acquired and the gut number under the sale instance, and also the gut numbers which were the subject matter of the Appeals which were decided by this Court in respect of the acquisitions that took place in the year 1997 are situated in proximity with each other and are situated near to the gaonthan.

8. Hence, in view of the aforesaid position, the rates granted by the Reference Court cannot be faulted with. Since no grounds for interfering in the order passed by the reference court is made out by the Appellant, the First Appeals are dismissed. Hence, the following order:

ORDER

(i) The First Appeals are dismissed.

(ii) The claimants are at liberty to withdraw the balance amount deposited by the Acquiring Body under the Award along with interest accrued thereon.

(iii) Pending Civil Applications stand disposed off.

[MANJUSHA DESHPANDE, J.]