IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
909 FIRST APPEAL NO. 2562 OF 2013

The State Of Maharashtra
VERSUS
Jayram S/o. Ganpati Pawar
...
AGP for Appellant/State : Mr. S. S. Dande
Advocate for Respondent : Mr. M. P. Tripathi
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 07.10.2026

PER COURT :

1. As the acquisition proceedings pertain to the year 1990, the appeal is heard finally with the consent of the learned counsel for the respective parties.

2. By this appeal, the appellant/State challenges the judgment and award dated 26.03.2008 passed by the learned Joint Civil Judge, Senior Division, Osmanabad, in L.A.R. No. 343 of 1996, whereby the compensation came to be enhanced.

3. The land of the claimant situated at village Kerur was acquired for the Palas Nilegaon Minor Irrigation Tank project. The notification under Section 4 of the Land Acquisition Act, 1894 (for short, “the Act”), was published in the Government Gazette on 18.04.1991 and in the newspaper on 23.09.1990. The notification under Section 6 of the Act was published on 14.08.1991, and possession of the land was taken on 01.10.1990. The award under Section 11 of the Act was passed on 14.01.1991. The Special Land Acquisition Officer (SLAO) determined the compensation at the rate of Rs. 232/- per R. Being dissatisfied with the amount of compensation awarded, the claimant accepted the compensation under protest and sought a reference under Section 18 of the Act, contending that the compensation awarded by the SLAO was

inadequate. The claimant had claimed compensation @ Rs.40,000/- per Acre.

4. The perusal of impugned award reveals that the learned Reference Court relied upon the sale instance produced at Exhibit 28, whereby 40R land was sold for Rs.40,000/- on 08.02.1989 which pertained to the period prior to the publication of the notification under Section 4 of the Act. Upon consideration of the said sale instances, the learned Reference Court enhanced the compensation to Rs. 40,000/-.

5. Having considered the record and the judgment and award passed by the learned Reference Court, this Court finds that the compensation awarded by the learned Reference Court is just, proper and reasonable. The compensation awarded cannot be said to be excessive or exorbitant. Therefore, no case is made out for interference in the impugned judgment and award.

6. Hence, the First Appeal being devoid of merits stand dismissed. No order as to costs.

7. Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE, J.]