IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 FIRST APPEAL NO. 4275 OF 2008

State Of Maharashtra
VERSUS
Dhanaji Namdeo Pote

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Mr. S.M. Phule, AGP for Appellant-State
Mr. P.V. Barde, Advocate for Respondent

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 23 OCTOBER, 2026

PER COURT :

1. Heard the learned counsel for the respective parties.

2. By the present appeal, the appellant-State challenges the impugned Judgment and Award dated 28.03.2000 passed by the learned Joint Civil Judge, Senior Division, Ahmednagar, in Land Acquisition Reference No.153 of 1990, whereby the learned Reference Court enhanced the compensation payable to the claimants.

3. The land belonging to the claimants, admeasuring 6 R and forming part of Survey No.461, situated at Ratadgaon, Taluka and District Ahmednagar, was acquired for the Percolation Tank at Ratadgaon pursuant to the notification issued under Section 4 of the Land Acquisition Act, 1894 (for short, “the Act”). The Special Land Acquisition Officer passed the award

under Section 11 of the Act on 27.07.1984 and awarded compensation of Rs.240/-. The claimants accepted the said compensation under protest, reserving their right to seek enhancement. Being dissatisfied with the award, the claimants sought a reference under Section 18 of the Act, which was registered as Land Acquisition Reference No.153 of 1990.

4. The learned Reference Court, relying upon the Judgment and Award passed in Land Acquisition Reference No.150 of 1990, enhanced the compensation to Rs.1,200/-. Being dissatisfied with the quantum of compensation awarded by the learned Reference Court, the appellant-State has preferred the present appeal. It has not been brought to the notice of this Court that the Judgment and Award passed in Land Acquisition Reference No.150 of 1990, upon which the learned Reference Court relied, has been challenged before this Court or has been modified or set aside.

5. Having considered the aforesaid circumstances, I find no reason to interfere with the impugned Judgment and Award. The learned Reference Court has relied upon the Judgment and Award passed in the earlier Land Acquisition Reference for determining the market value of the acquired land. The compensation of Rs.1,200/- awarded by the learned Reference Court cannot be said to be excessive or exorbitant. No case is made out for interference with the impugned Judgment and Award. Hence, the appeal deserves to be dismissed.

6. The First Appeal is dismissed.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane