IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
6 FIRST APPEAL NO. 928 OF 2006

Shamrao Muktaram Thorat And Anr
VERSUS
The State Of Mah

WITH
FIRST APPEAL NO. 929 OF 2006

Laxman Pandurang Jankar
VERSUS
The State Of Mah

WITH
FIRST APPEAL NO. 931 OF 2006

Maruti Rustamrao Jankar And Anr
VERSUS
The State Ofmah

...

Mr. Shrimant Kedar for the Appellants.
Mr. A. D. Wange, AGP for State.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 29 OCTOBER 2026

P. C.:

1. As the acquisition proceeding is of the year 1991, the Appeals are heard finally with the consent of learned counsel for the respective parties.

2. By these Appeals, the original claimants assail the judgment and award dated 28th April 2005, passed by the learned Reference Court in LAR Nos.12/1995, 14/1995 and 15/1995 whereby compensation to the extent claimed by the claimants came to be refused.

3. The land of the claimants from village Bardapur, Tq. Ambajogai, Dist. Beed came to be acquired for Minor Irrigation Tank at village Garsuli. The notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") came to be published on 14th February 1991 and the SLAO declared the award under Section 11 of the Act on 12th November 2013 and granted compensation @Rs.130/- and Rs.140/- per R. After accepting the aforesaid compensation, the claimants sought reference under Section 18 of the Act by contending that the SLAO granted very meager and inadequate compensation. The learned Reference Court awarded compensation @Rs.400/- per R.

4. The learned counsel for the claimants submits that the claimants had produced sale instances at Exhs.26 and 27 pertaining to village Bardapur. The claimants had also relied upon an award passed in earlier LAR No.456/1990 arising out of lands acquired from village Garsuli, Tq. Dist. Latur for the purpose of percolation tank Garsuli. In said reference proceeding, the learned Reference Court awarded compensation @Rs.500/- per R for dry land. The claimants had prayed to receive compensation @Rs.500/- in accordance with the rate granted in LAR No.456/1990. However, the learned Reference Court relied only upon sale instance at Exhs.26 and 27 and granted compensation even at a rate lesser than what was reflected by the said sale instances. Therefore, he prays to allow the Appeals by enhancing the compensation.

5. The learned AGP for the State submits that the learned Reference Court has rightly determined the compensation which does not warrant interference. He submits that the prayer for relying upon award passed in earlier LAR No.456/1990 cannot be entertained as the land therein was acquired from a different village i.e. Garsuli, whereas the land in present matter was acquired from village Bardapur. Once the sale instances from the same village Bardapur were available, there is no need to rely upon any award passed in earlier reference proceeding. On these grounds, he prays to dismiss the Appeals filed by the claimants.

6. Having heard learned counsel for the respective parties and upon perusal of record and proceedings with their assistance, it is not in dispute that the sale instances at Exhs.26 and 27 from the same village Bardapur were available on record. However, in an award passed in LAR No.456/1990, the land was acquired from two different villages, namely, Bardapur and Garsuli for the same project i.e. construction of percolation tank Garsuli. Therefore, there is no hurdle to rely upon the said award wherein compensation @Rs.500/- per R was awarded. Thus, I am inclined to adopt the rate awarded in LAR No.456/1990.

7. However, the Section 4 notification in LAR No.456/1990 was published on 17th March 1986 whereas the same was published in the present matter on 14th February 1991. Therefore, the claimants in the present matter are entitled to 10% escalation per year for four years to the

market value of Rs.500/- per R, whereby the market value would workout to Rs.700/- per R. Hence, I pass the following orders:-

O R D E R

i. The First Appeals are partly allowed.

ii. The claimants are entitled to compensation @ Rs.700/- per R for their acquired lands and to that extent impugned judgment and award stands modified.

iii. The claimants are entitled to all statutory benefits including interest from the date of award as per the law laid down by Full Bench of this Court in ***State of Maharashtra v. Kailash Shiva Rangari***, 2016 (3) Mh.L.J. 457 from the date of award and to that extent the impugned judgment and award stand modified.

iv. Rest of the impugned award stands confirmed.

v. Modified award be drawn accordingly.

vi. Deficit Court fee be paid.

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

[SIDDHESHWAR S. THOMBRE, J.]