IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 FIRST APPEAL NO. 2372 OF 2010

THE STATE OF MAHARASHTRA AND ANR
VERSUS
APPASAHEB LAXMAN CHAKOR AND ANR
...
Mr. S. N. Morampalle, AGP for the Appellant/State.
Mr. Sanjay A. Wakure, Advocate for Respondents.
...

AND
CIVIL APPLICATION NO. 9748 OF 2010
IN FA/2372/2010

THE STATE OF MAHARASHTRA AND ANR
VERSUS
APPASAHEB LAXMAN CHAKOR AND ANR
...
Mr. S. N. Morampalle, AGP for the Appellant/State.
Mr. Sanjay A. Wakure, Advocate for Respondents.
...
AND
929 FIRST APPEAL NO. 2373 OF 2010

THE STATE OF MAHARASHTRA AND ORS
VERSUS
ANURUDRA @ ANURAT RAOSAHEB TALKE
...
Mr. S. S. Dande, AGP for the Appellant/State.
Mr. Sanjay A. Wakure, Advocate for Respondent.
...
AND
CIVIL APPLICATION NO. 9750 OF 2010
IN FA/2373/2010

THE STATE OF MAHARASHTRA AND ORS
VERSUS
ANURUDRA @ ANURAT RAOSAHEB TALKE
...
Mr. S. S. Dande, AGP for the Appellant/State.
Mr. Sanjay A. Wakure, Advocate for Respondent.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 28th OCTOBER, 2026

P.C.:-

1. Since the acquisition proceedings pertain to the year 1993, the appeals are heard finally with the consent of the learned Advocates for the respective parties.

2. By these appeals, the Appellant/State is challenging the judgment and award dated 19.08.2009 passed by the learned Civil Judge, Senior Division, Osmanabad in L.A.R. Nos.415/1998 and 416/1998, whereby the learned Reference Court enhanced the compensation.

3. Brief facts of the present cases are as under:-

(i) In L.A.R. No.415/1998, the land of the Claimants bearing Gat No. 373, admeasuring 48 R and in L.A.R. No. 416/1998, the land of the Claimant bearing Gat No.366, admeasuring 2 Hectares 10 R, both situated at village Ralesangvi, Taluka Bhoom, District Osmanabad was acquired for the construction of a percolation tank at village Ralesangvi.

(ii) The Notification under Section 4 of the Land Acquisition Act, 1894 (for short “the Act”) came to be published on 28.10.1993.

(iii) The Land Acquisition Officer (LAO) passed an award on 10.09.1997 and granted compensation at the rate of Rs.230/-

per R.

(iv) After accepting the aforesaid compensation, the Claimants sought a reference under Section 18 of the Act and relied upon sale instance below Exhibits-24, 25 and 26 before the learned Reference Court. The learned Reference Court considered the sale instance at Exhibit-26 and determined the market value @ of Rs.36,000/- per Acre for dry land and Rs.72,000/- per Acre for irrigated land.

4. Mr. S. N. Morampalle and Mr. S. S. Dande, learned AGPs for the Appellant/State, submit that the compensation awarded by the learned Reference Court is excessive and that the sale instance relied upon at Exhibit 26 pertains to a different village and cannot be treated as a comparable sale instance. Hence, they pray that the impugned judgment and award be set aside.

5. Per contra, Mr. Sanjay A. Wakure, learned Advocate for the Respondents/Claimants submits that the learned Reference Court has rightly relied upon the comparable sale instance at Exhibit-26 dated 22.02.1990, wherein the land was sold @ of Rs.36,000/- per Acre. Therefore, learned Reference Court has granted just and reasonable compensation considering the location and classification of the acquired lands. Hence, he prays that the impugned judgment and award be maintained and the appeals be dismissed.

6. Having heard the learned Advocates for the respective parties and with their able assistance, I have gone through the record and proceedings. The learned Reference Court did not consider the sale instances at Exhibits-24 and 25, as they pertained to different villages, namely, Pathsangvi and Pathrud. The learned Reference Court considered the sale instance at Exhibit 26, dated 22.02.1990, which pertained to village Walwad. As per the said sale instance, an area of 1 Acre was sold for Rs.36,000/-.

7. Since the distance between the acquired village and the village from which the sale instance was placed on record was approximately 2 kilometres, therefore, the said sale instance was considered as comparable. Accordingly, the learned Reference Court granted compensation at the rate of Rs.72,000/- per Acre in L.A.R. No. 415/1998 and Rs.36,000/- per Acre in L.A.R. No. 416/1998, having regard to the classification of the acquired lands.

8. The rate determined by the learned Reference Court is based on the sale instance at Exhibit 26, which pertains to a village situated near the acquired village. Therefore, this Court is of the considered view that the enhancement granted by the learned Reference Court is just, reasonable, proper and no excessive or exorbitant compensation has been awarded.

9. Therefore, there is no reason to interfere with the judgment

and award passed by the learned Reference Court.

10. Hence, the present appeals are dismissed. No order as to costs.

11. Pending civil applications, if any, are also disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

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