IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

31 X-OBJECTION NO. 163 OF 2022 IN FA/427/2016

Shatrughna Sangram Kendre And Another
VERSUS
The State Of Maharashtra And Another

WITH
FIRST APPEAL NO. 427 OF 2016

The State Of Maharashtra And Another
VERSUS
Shatrughna Sangram Kendre And Another

WITH
X-OBJECTION NO. 164 OF 2022 IN FA/429/2016

Giridhar Bhanudas Pulle And Others
VERSUS
The State Of Maharashtra And Another

WITH
FIRST APPEAL NO. 429 OF 2016

The State Of Maharashtra And Another
VERSUS
Giridhar Bhanudas Pulle And Others

.....

Mr. H.B. Nandagavale, Advocate h/f Mr. V.G. Sakolkar, Advocate for Claimants
Mr. S.N. Morampalle, AGP for State

.....

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

PER COURT :

1. Heard the learned counsel for the respective parties.

2. By these First Appeals, the appellant-State challenges the common impugned Judgment and Award dated 04.09.2013 passed by the learned Joint Civil Judge, Senior Division, Udgir, in Land Acquisition References No. 2291 of 2010 and 2342 of 2010, whereby the compensation payable to the claimants was enhanced. The claimants seek further enhancement of compensation by filing the present Cross-Objections.

3. The lands belonging to the claimants, situated at Village Nawandi, Taluka Udgir, District Latur, were acquired for the purpose of Percolation Tank No. 3 at Village Nawandi. The notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act"), was published on 01.01.2004. The Special Land Acquisition Officer (SLAO), by the award passed under Section 11 of the Act, determined the market value of the acquired lands at the rate of Rs.560/- per R. Being dissatisfied with the market value so determined, the claimants accepted the compensation under protest and sought references under Section 18 of the Act, contending that the compensation awarded by the SLAO was meager and inadequate.

4. Before the learned Reference Court, the claimants relied upon the sale instance at Exhibit 12, under which land admeasuring 20 R from Survey No. 86 was sold for Rs.50,000/-. The learned Reference Court treated the said transaction as a comparable sale instance, applied escalation at the rate of 10% per annum for three years and deducted 40% towards the small area

of the plot. Accordingly, the market value was determined at Rs.78,000/- per acre, equivalent to Rs.1,950/- per R. It is also relevant to note that this Court, by its order dated 15.10.2026 passed in First Appeal No. 431 of 2016, arising out of the same project and under the same notification, has already dismissed the appeal preferred by the State.

5. As regards the Cross-Objections, the sale instance at Exhibit 12, dated 20.09.2001, pertains to the same village, namely, Nawandi. Under the said transaction, land admeasuring 20 R from Survey No. 86 was sold for Rs.50,000/-, which works out to Rs.1,00,000/- per acre. By applying escalation at the rate of 10% per annum for three years, the market value works out to Rs.1,30,000/- per acre. The sale instance relates to land situated in the same village. Further, in the facts of the present case, the land admeasuring 20 R cannot be treated as such a small piece of land as to warrant a deduction of 40%. The deduction applied by the learned Reference Court is, therefore, on the higher side. This Court is of the view that no such deduction is warranted while determining the market value on the basis of the said sale instance. The claimants have, therefore, made out a case for further enhancement of compensation to Rs.1,30,000/- per acre.

6. In view of the above discussion, the First Appeals filed by the State deserve to be dismissed and the Cross-Objections filed by the claimants deserve to be partly allowed. Hence, the following order:

O R D E R

(i) First Appeal Nos. 429 of 2016 and 427 of 2016 filed by the State are dismissed.

(ii) Cross-Objection Nos. 164 of 2022 and 163 of 2022 filed by the claimants are partly allowed.

(iii) The common impugned Judgment and Award dated 04.09.2013 passed by the learned Joint Civil Judge, Senior Division, Udgir, in Land Acquisition References No. 2291 of 2010 and 2342 of 2010, is modified to the extent that the claimants shall be entitled to compensation for the acquired lands at the rate of Rs.1,30,000/- per acre.

(iv) The claimants shall be entitled to consequential statutory benefits on the enhanced compensation in accordance with the provisions of the Land Acquisition Act, 1894.

(v) Interest under Sections 28 and 34 of the Act shall be payable strictly in accordance with the law laid down by the Full Bench of this Court in **State of Maharashtra v. Kailash Shiva Rangari, 2016 (3) Mh.L.J. 457**.

(vi) The amount of compensation already paid to the claimants shall be duly adjusted.

(vii) The claimants shall pay the deficit court fee, if any, on the enhanced compensation.

(viii) The claimants shall not be entitled to statutory benefits or interest for any period of delay, if any, in accordance with law.

(ix) Save and except to the extent of the aforesaid modification, the impugned Judgment and Award shall remain unaltered.

(x) The modified Awards shall be drawn accordingly.

(xi) Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane