IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 FIRST APPEAL NO. 474 OF 2009

THE STATE OF MAHARASHTRA AND ORS
VERSUS
OSMAN GAFOORSAB SHAIKH
...
Mr. S. S. Dande, AGP for the Appellants/State.
Mr. Swapnil S. Rathi, Advocate for Respondent.
...

WITH
FIRST APPEAL NO. 475 OF 2009

THE STATE OF MAHARASHTRA AND ORS
VERSUS
PRAKASH PANDHARINATH KULKARNI
...
Mr. S. S. Dande, AGP for the Appellants/State.
Mr. Swapnil S. Rathi, Advocate for Respondent.
...

WITH
FIRST APPEAL NO. 476 OF 2009

THE STATE OF MAHARASHTRA AND ORS
VERSUS
SHAMSHODDINH ISMALSAB SHAIKH
...
Mr. S. S. Dande, AGP for the Appellants/State.
Mr. Swapnil S. Rathi, Advocate for Respondent.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 1st OCTOBER, 2026

P.C.:-

1. Since the acquisition proceedings pertain to the year 1997, the appeals are heard finally with the consent of the learned Advocates for the respective parties.

2. By the present appeals, the Appellants/State are challenging the judgment and award dated 28.03.2006 passed by the learned Adhoc Additional District Judge, Udgir, District Latur, in LAR Nos.398/2003, 397/2003 and 399/2003.

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

(i) The lands of the Claimants were acquired for extension of Gauthan of village Waigaon, Taluka Udgir, District Latur.

(ii) The Notifications under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") were published on different dates, i.e., 05.07.1997, 07.07.1997 and 26.02.1998.

(iii) The following table pertains to the acquisition of the lands, determination of compensation by the LAO and payment thereof:-

Sr. No.	LAR No.	Sy. No./ Gat No.	Area	Total amount paid by LAO for the land.
1	397/2003	19	1 H. 00 R	72,861/-
2	398/2003	308	00.40 R	29,144/-
3	399/2003	307	00.65 R	47,360/-

(iv) The Special Land Acquisition Officer (SLAO) passed an award on 16.03.1999 and granted compensation at the rate of Rs.48,900/- per Hectare by relying upon the sale instance dated 27.06.1996 pertaining to Gat No.299 of village Waigaon. Therefore, after accepting the compensation under protest, the Claimants sought

a reference under Section 18 of the Act. The learned Reference Court enhanced the compensation @ of Rs.5/- per square foot.

4. Mr. S. S. Dande, learned AGP for the Appellants/State submits that the Claimants relied upon the sale instances below Exhibits-18 to 20. As regards Exhibit-18 is concerned, the same was an agreement to sell. As regards the sale instance below Exhibit-20 is concerned, an area admeasuring 50 x 50 was sold for Rs.22,000/- pertaining to Survey No.308, and the said sale deed is dated 06.03.1998.

5. Out of the aforesaid sale instances, the learned Reference Court has considered the sale instance below Exhibit-19 dated 23.08.1996. The land admeasuring 33 x 66 from Survey No.308 was sold for Rs.9,000/- and the rate as per the said sale instance comes to Rs.4.13/- per square foot. The learned Reference Court considered the sale instance below Exhibit-19 as a comparable sale instance for determining the correct market value.

6. Per contra, Mr. Swapnil S. Rathi, learned Advocate for the Respondents/Claimants supports the judgment and award passed by the learned Reference Court. He submits that the learned Reference Court rightly considered the market value of the acquired land by considering the sale instance at Exhibit-19.

7. Having heard learned Advocates for the respective parties

and with their able assistance, I have gone through the record and proceedings. The learned Reference Court deducted 25% towards development activities and granted the rate of Rs.5/- per square foot. Therefore, this Court is of the view that the sale instance below Exhibit-19 was prior to the Section 4 Notification and was from the same village. The learned Reference Court has considered the said sale instance as a comparable sale instance and, after applying 25% deduction towards development activities, determined the rate accordingly. Therefore, this Court is of the view that the rate determined by the learned Reference Court is just, reasonable and proper.

8. The learned Reference Court has not granted excessive or exorbitant compensation so as to warrant interference with the judgment and award passed by the learned Reference Court.

9. Hence, no case is made out to interfere with the judgment and award dated 28.03.2006 passed by the learned Adhoc Additional District Judge, Udgir, District Latur, in LAR Nos.398/2003, 397/2003 and 399/2003.

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.)