IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 FIRST APPEAL NO. 1694 OF 2015

The Sate Of Maharashtra And Others
VERSUS
Ganesh Shankarrao Patil Died Through L.Rs. Dattatraya Ganesh Patil

WITH
FIRST APPEAL NO. 1430 OF 2013

Ganesh Shankarrao Patil Died Through L.Rs. Dattatraya Ganesh Patil
VERSUS
The State Of Maharashtra And Others

WITH
FIRST APPEAL NO. 1695 OF 2015

The Sate Of Maharashtra And Others
VERSUS
Vivek Dattatraya Patil

WITH
FIRST APPEAL NO. 1429 OF 2013

Vivek Dattatraya Patil
VERSUS
The State Of Maharashtra And Others

WITH
FIRST APPEAL NO. 1696 OF 2015

The Sate Of Maharashtra And Others
VERSUS
Vinod Dattatraya Patil

WITH
FIRST APPEAL NO. 1431 OF 2013

Vinod Dattatraya Patil
VERSUS
The State Of Maharashtra And Others

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Ms. Anushka Pansare, Advocate h/f Mr. D.P. Palodkar, Advocate for Claimants
Mr. S.N. Morampalle, AGP for State
Mr. S.S. Bhise, Advocate for Acquiring Body

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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. These connected appeals are filed by the State and the respective claimants, challenging the common Judgment and Award dated 07.12.2012 passed by the learned Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference Nos. 96 of 1992, 94 of 1992 and 95 of 1992.

3. The lands of the respective claimants, situated at village Khanapur, Taluka and District Osmanabad, were acquired for the Khanapur Irrigation Tank. The particulars of the acquired lands and the connected appeals are as follows:

Sr. No.	FA filed by Claimants	FA filed by State	LAR No.	Survey/Gat No.	Area Acquired
1.	1694/2015	1429/2013	96 of 1992	48	7 H 92 R
2.	1695/2015	1430/2013	96 of 1992	44	8 H 62 R
3.	1696/2015	1431/2013	96 of 1992	45	2 H 28 R

4. The notification under Section 4 of the Land Acquisition Act, 1894 (for short, “the Act”) was published on 02.11.1972. The Special Land Acquisition Officer (SLAO) passed the award under Section 11 of the Act on

09.02.1976 and determined compensation at Rs.10/- per R. The claimants accepted the compensation under protest and sought references under Section 18 of the Act, contending that the compensation was inadequate.

5. Before the Reference Court, the claimants relied upon sale instances at Exhibits 49, 50 and 51. The sale instances at Exhibits 49 and 50 relate to 1972, while Exhibit 51 relates to 1974. The Reference Court considered the sale evidence, took the average rate at Rs.80/- per R, and, treating the acquired lands as seasonally irrigated, fixed compensation at Rs.150/- per R. Therefore, being aggrieved by the said, State has filed the appeals and claimants also filed appeals seeking further enhancement for their acquired lands.

6. Ms. Anushka Pansare, learned counsel holding for Mr. D.P. Palodkar, learned counsel for the claimants, submits that the lands were acquired in 1972, when drought conditions prevailed throughout the State. She further submits that approximately 46 acres of land were acquired for the Khanapur Irrigation Tank and that, although trees were also acquired, possession was taken without surveying the trees because of the drought. She submits that the acquired lands were irrigated lands, but the SLAO treated them as dry lands and the Reference Court treated them as seasonally irrigated lands. She further submits that the claimants used to cultivate crops in both the kharif and rabi seasons and that this crop pattern supports their contention that the lands were irrigated. She submits that, owing to the drought

conditions, higher-valued sale instances from 1972 were not available and the sale instances of that year reflected lower rates. She further submits that the sale instance at Exhibit 51, which is of 1974 and relates to dry land admeasuring 1 Hectare 21 R sold for Rs.14,000/-, works out to Rs.115/- per R. According to her, since the acquired lands were irrigated, the claimants are entitled to compensation at twice the rate of dry land.

7. Per contra, Mr. S.N. Morampalle, learned AGP for the State, submits that the acquired lands were dry lands. He further submits that the claimants did not adduce any evidence to establish that the acquired lands were irrigated. He submits that the Reference Court, while treating the lands as seasonally irrigated, did not record any finding supported by evidence regarding the source of water. He further submits that merely raising crops in two seasons does not establish that the lands were seasonally irrigated. He submits that there was no evidence of any source of water and that the crop pattern also does not indicate cultivation of cash crops. Therefore, he submits that the Reference Court was not justified in treating the acquired lands as seasonally irrigated and awarding compensation at Rs.150/- per R, and that the State appeals deserve to be allowed.

8. I have considered the submissions advanced on behalf of the claimants, the State and the acquiring body, and have examined the Record and Proceedings and the impugned Judgment and Award.

9. The notification under Section 4 of the Act was issued on 02.11.1972, when drought conditions prevailed. The sale instances at Exhibits 49 and 50 relate to 1972, whereas Exhibit 51 is of 1974 and relates to dry land. Having regard to the drought conditions and the rates reflected in the 1972 transactions, Exhibit 51 can be considered as a comparable sale instance for assessing the market value. The sale under Exhibit 51 was in respect of 1 Hectare 21 R for Rs.14,000/-, and the rate considered on that basis is Rs.115/- per R. The acquired lands have been treated by the Reference Court as seasonally irrigated, having regard to the crop pattern on record. The material does not justify treating the acquired lands as fully irrigated or accepting the claimants' request for compensation at twice the dry-land rate. However, applying a multiplier of 1.5 to the rate of Rs.115/- per R reflected by Exhibit 51 gives Rs.172.50/- per R (Rs.115/- × 1.5). On rounding off, the rate works out to Rs.175/- per R. The compensation awarded by the Reference Court at Rs.150/- per R, therefore, requires enhancement to Rs.175/- per R. The State has failed to demonstrate any error in the assessment of compensation by the learned Reference Court warranting interference.

10. In view of the above discussion, the appeals preferred by the State deserve to be dismissed, whereas the appeals filed by the claimants deserve to be partly allowed. Hence, the following order:

O R D E R

(i) The First Appeals filed by the State are dismissed.

(ii) The appeals filed by the claimants, are partly allowed.

(iii) The common Judgment and Award dated 07.12.2012 passed by the learned Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference Nos.96 of 1992, 94 of 1992 and 95 of 1992 is modified.

(iv) The claimants are entitled to receive compensation at the rate of Rs.175/- per R for the acquired seasonally irrigated lands.

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

(vi) The claimant shall be entitled to interest under Section 34 of the Act, strictly in accordance with the Full Bench decision in ***State of Maharashtra vs. Kailas Shiva Rangari, 2016 (3) Mh.L.J. 457.***

(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.

(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) The claimants and/or the legal heirs of the claimants shall be entitled to withdraw the amount, if any, deposited by the Acquiring Body in this Court, together with the accrued interest thereon.

(xii) The amount already paid to the respective claimants shall be given due adjustment while calculating the amount payable under the modified Judgment and Award.

(xiii) Needless to mention that, in respect of the claimants who are reported to be dead and whose legal heirs have not been brought on record, the legal heirs of such claimants shall be at liberty to file execution proceedings before the learned Reference Court upon submitting the heirship certificate.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane