IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
37 CIVIL APPLICATION NO. 10217 OF 2012
IN FAST/20842/2012

Chief Officer,nagar Parishad Nilanga
VERSUS
The State Of Mah And Anr

WITH
CIVIL APPLICATION NO. 10221 OF 2012
IN FAST/20851/2012

Chief Officer,nagar Parishad Nilanga
VERSUS
The State Of Mah And Anr

WITH
CIVIL APPLICATION NO. 10220 OF 2012
IN FAST/20837/2012

Chief Officer,nagar Parishad Nilanga
VERSUS
The State Of Mah And Ors

WITH
CIVIL APPLICATION NO. 10215 OF 2012
IN FAST/20848/2012

Chief Officer,nagar Parishad Nilanga
VERSUS
The State Of Mah And Anr

WITH
CIVIL APPLICATION NO. 10218 OF 2012
IN FAST/20834/2012

Chief Officer,nagar Parishad Nilanga
VERSUS
The State Of Mah And Ors

WITH
CIVIL APPLICATION NO. 10216 OF 2012
IN FAST/20845/2012

Chief Officer,nagar Parishad Nilanga
VERSUS
The State Of Mah And Anr

WITH
CIVIL APPLICATION NO. 10219 OF 2012
IN FAST/20840/2012

Chief Officer,nagar Parishad Nilanga
VERSUS
The State Of Mah And Anr

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Mr. S. G. Rudrawar for the Applicant.
Mr. S. S. Dande, AGP for State.

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 22 OCTOBER 2026

P. C.:

Order in Civil Application Nos.10217, 10221, 10212, 10220 and 10216 of 2012:-

1. These Applications are filed by the acquiring body for condonation of delay of 1654 days in filing the First Appeals.

2. Considering the averments made therein, the Applications are allowed and the delay is condoned.

Order in First Appeal (St.) Nos.20842, 20851, 20848, 20837 and 20845 of 2012:-

3. As the acquisition proceeding is of the year 1988, the Appeals are heard finally with the consent of learned counsel for the respective parties.

4. By these Appeals, the acquiring body is aggrieved by the judgment and award dated 26th October 2007, passed by District Judge-1, Nilanga in LAR Nos.455/1998, 458/1998, 457/1998, 462/1998 and 463/1998 whereby compensation came to be enhanced.

5. The house properties of the claimants from Nilanga, Dist. Latur was acquired for widening of a highway. The notification under Section 126(2) of the Maharashtra Regional and Town Planning Act, 1966 (for short "MRTP Act") and the notification under Section 6 of the Land Acquisition Act, 1894 (for short "the LA Act") were published on 21st January 1988. The award was passed by the SLAO thereby awarding compensation @Rs.50/- per sq. mtr. The claimants had claimed compensation @Rs.300/- per sq. mtr. The learned Reference Court enhanced the same to Rs.150/- per sq. mtr. The details of acquired house properties are as follows:-

Sr. No.	LAR No.	House No.	Acquired Area
1.	462/1998	3/28	8 sq. mtr.
2.	455/1998	4/38	44 sq. mtr.
3.	457/1998	4/51	55 sq. mtr.
4.	458/1998	4/52	53 sq. mtr.
5.	463/1998	3/22	7 sq. mtr.

6. Mr. Rudrawar, learned counsel for the acquiring body submits that the learned Reference Court has erroneously relied upon sale instances below Exhs.38 to 41 and granted excessive enhancement though the house properties of the claimants were situated in the inner side of the city. The learned Reference Court ought to have relied upon the sale instance at Exh.74 produced by the acquiring body, the land wherein was comparable with the acquired land. He submits that by the sale instance at Exh.74, the house property admeasuring 5.94 X 5.79 sq. mtr. was sold for Rs.2,000/- on

28th June 1988 which fetched market value of Rs.57/- per sq. mtr. Therefore, he prays to allow the Appeals filed by the acquiring body.

7. Learned AGP supports the submission of learned counsel for the acquiring body.

8. Though served, none appears for the claimants in First Appeal (St.) Nos.20842, 20851, 20848, 20837 and 20845 of 2012.

9. Having heard learned counsel for the acquiring body and upon perusal of record and proceeding, it reveals that the claimants had relied upon sale instances at Exhs.38 to 41 and the acquiring body had relied upon sale instance at Exh.74, the details of which are as follows:-

Sr. No.	Exh. No.	Date	Area (in sq. mtrs.)	Consideration
1.	38	14th February 1985	4.57 X 3.66	Rs.7100/-
2.	39	12th December 1986	6.10 X 4.57	Rs.15000/-
3.	40	8th April 1985	4.57 X 3.66	Rs.7100/-
4.	41	22nd September 1986	6.40 X 4.57	Rs.10000/-
5.	74	28th June 1988	5.94 X 5.79	Rs.2000/-

10. The sale instances at Exhs.38 to 41 produced by the claimants fetched market value between the range of Rs.400/- to Rs.500/- per sq. mtr., whereas the sale instance at Exh.74 produced by the acquiring body fetched market value of Rs.57/- per sq. mtr. The learned Reference Court recorded a finding that the acquired house properties are situated in the interior side of the city and at about 1.5 km from the Latur-Bidar highway. Therefore, the learned Reference Court has awarded lessor compensation of Rs.150/- per

sq. mtr. Once, the learned Reference Court has already awarded lessor compensation than the market value reflected by the sale instances, no question of reducing the said rate arises. Therefore, the Appeals filed by the acquiring body deserve no consideration.

11. Therefore, the First Appeals being devoid of merits, stand dismissed. No order as to costs.

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

Order in Civil Application Nos.10219 and 10218 of 2012 and First Appeal (St.) Nos. 20840 and 20834 of 2012:-

13. Despite the re-issuance of summons, the claimants remain unserved. Further, since First Appeal (St.) Nos. 20840 and 20834 of 2012 arise out of the same impugned award and pertain to the same project, city and notification, the present Civil Applications do not warrant consideration, particularly in view of the dismissal of the other First Appeals preferred by the acquiring body.

14. Hence, the Civil Applications are disposed of and consequently the First Appeal (St.) Nos. 20840 and 20834 of 2012 are also disposed of.

[SIDDHESHWAR S. THOMBRE, J.]