IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 FIRST APPEAL NO. 2780 OF 2009

Smt Aban W/o. Jal Adjania Through GPA Nosherji Jahangir Parshi
VERSUS
The State Of Maharashtra And Another

AND
FIRST APPEAL NO. 2773 OF 2009

Shri Saam Aspi Parshi Through GPA Nosherji Jahangir Parshi
VERSUS
The State Of Maharashtra And Another

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Mr. S.H. Tripathi, Advocate for Appellants-Claimants
Mr. S.S. Dande, AGP for Respondents No.1 and 2

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

PER COURT :

1. Heard learned counsel for the respective parties.

2. These appeals, filed by the claimants, take exception to the common impugned Judgment and Award dated 28.07.2009 passed by the learned Joint Civil Judge, Senior Division, Jalgaon, in Land Acquisition Reference Nos. 1487 of 1998 and 1489 of 1998. By the impugned Judgment and Award, the learned Reference Court partly allowed the references under Section 18 of the Land Acquisition Act, 1894 (for short, “the Act”) and enhanced the compensation. The claimants have preferred these appeals seeking further enhancement.

3. The lands situated at village Paldhi, Taluka Erandol, District Jalgaon, were acquired for National Highway No. 6. The notification under Section 4

of the Act was published on 16.03.1989. The Special Land Acquisition Officer (for short, "the SLAO"), by an Award under Section 11 of the Act, fixed the market value of the acquired jirayat lands at Rs.9,800/- per hectare. The claimants accepted the compensation under protest and sought references under Section 18 of the Act.

4. The particulars of the acquired lands belonging to the respective claimants are as under:

Sr. No.	First Appeal No.	LAR No.	Survey/Gat No.	Area Acquired
1.	2780 of 2009	1487 of 1998	414/1/3	3000 Sq. Mtrs
2.	2773 of 2009	1489 of 1998	414/1/2	2500 Sq. Mtrs.

5. Before the learned Reference Court, the claimants relied upon sale instances at Exhibits 17, 18 and 20, 7/12 extracts at Exhibits 21 to 23, the N.A. order at Exhibit 16/5, the layout plan at Exhibit 25 and a copy of the Award passed under Section 11 of the Act at Exhibit 24. By way of additional evidence at Exhibit 36, they relied upon sale instances at Exhibits 37 and 38 and a certified copy of the judgment in Land Acquisition Reference No. 1484 of 1998 at Exhibit 39. The impugned judgment specifically discusses the sale instances at Exhibits 18, 19 and 20. Relying upon the sale instance at Exhibit 18, the learned Reference Court determined the market value of the acquired lands at Rs.30/- per sq. mtr. The claimants, being dissatisfied with the compensation so determined, have preferred the present appeals.

6. Learned counsel Mr. S.H. Tripathi, appearing for the claimants, submits that the acquired lands had already been converted to N.A. use in the year 1984, and the relevant N.A. order was produced before the learned Reference Court. He submits that the claimants relied upon the sale instances at Exhibits 18, 19 and 20 and, by way of additional evidence, the sale instances at Exhibits 37 and 38. He further tenders across the Bar a copy of the judgment and Award passed by the learned Reference Court in Land Acquisition Reference No. 1504 of 1998 and connected matters. According to him, those proceedings arose from the same project and notification, and the learned Reference Court determined compensation at Rs.5,00,000/- per hectare. He submits that the State challenged the said judgment and Award before this Court, but the appeal was dismissed by order dated 25.09.2024. He therefore contends that the claimants are also entitled to the same rate as determined in Land Acquisition Reference No. 1504 of 1998.

7. Per contra, learned AGP Mr. S.S. Dande, appearing for the State, submits that the learned Reference Court has considered the sale instances and has rightly assessed the market value on the basis of the evidence available on record. He submits that the claimants cannot seek further enhancement merely by relying upon an Award passed in another reference, unless they establish that the lands covered by that reference are comparable in location, nature, classification and potential with the

acquired lands in the present appeals. He therefore submits that no case for further enhancement is made out.

8. I have heard learned counsel for the respective parties and, with their able assistance, have perused the Record and Proceedings, the impugned Judgment and Award, the evidence referred to therein and the judgment and Award relied upon by the claimants in Land Acquisition Reference No. 1504 of 1998.

9. The sale instance at Exhibit 18 relates to Plot No. 13, admeasuring 165 sq. mtrs. out of Gat No. 10, which was sold for a consideration of Rs.5,000/-. The consideration works out to approximately Rs.30.30 per sq. mtr., and the learned Reference Court assessed the market value at Rs.30/- per sq. mtr. Although Exhibit 18 is a post-notification transaction, the record as described does not show that the sale was influenced by the acquisition; the learned Reference Court treated it as the relevant instance. The sale instances at Exhibits 19 and 20 were dated 30.03.1990 and 30.05.1990, respectively, and were not relied upon. The sale instances at Exhibits 37 and 38 pertained to agricultural lands, whereas the claimants relied upon the N.A. order to establish the non-agricultural status of the acquired lands. The claimants have not demonstrated a specific error in the assessment of Exhibit 18 or produced a comparable sale instance warranting a higher rate.

10. As regards the judgment and Award in Land Acquisition Reference No. 1504 of 1998, the fact that the State's appeal against that Award was

dismissed on 25.09.2024 does not establish that the rate determined in that reference must automatically be applied to the lands involved in the present appeals. The material referred to by the claimants does not sufficiently demonstrate that the lands covered by Land Acquisition Reference No. 1504 of 1998 were comparable with the present lands in their location, N.A. status, extent, development potential and other material features.

11. In Land Acquisition Reference No. 1504 of 1998, the land was described as irrigated, although the learned Reference Court treated it as N.A. land and assessed compensation on a per-hectare basis. In the absence of sufficient evidence establishing comparability with the lands involved in the present appeals, that award cannot safely be relied upon as a basis for further enhancement.

12. In view of the above, the claimants have not established a sufficient basis for enhancing the compensation beyond the rate determined by the learned Reference Court at Rs.30/- per sq. mtr. The impugned Judgment and Award does not warrant interference in these appeals. The appeals, therefore, deserve to be dismissed.

13. The First Appeals are dismissed.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane