IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 FIRST APPEAL NO. 2770 OF 2009

MAHARASHTRA KRISHNA VALLEY DEVELOPMENT CORPORATION PARANDA
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
Advocate for Appellant : Mr. Rajale Gulab
AGP for Respondent/State : Mr. S.N. Morampalle
Advocate for Respondent/claimant : Mr. V.V. Ingale
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : October 27, 2026

PER COURT :-

1. As the acquisition proceeding is of the year 1994, heard finally with the consent of learned counsel for the respective parties.

2. By this appeal, the acquiring body assails the judgment and award dated 3.7.2009 passed by the learned Jt. Civil Judge, Senior Division, Osmanabad in LAR No. 254/2001.

3. The land of the claimant admeasuring 10 R. from Survey No. 11 situated at village Pranda was acquired for construction of office building of Sina-Kolegaon Project. Notification under section 4 of the Land Acquisition Act came to be published on 13.10.1994. The possession of the acquired land was taken on 26.6.1993. The Special Land Acquisition Officer (SLAO) has declared the award on 12.6.1996 and has granted compensation at the rate of Rs.790/- per R. After accepting the amount under protest, the claimant sought reference under section 18 of the Act by contending that the SLAO has granted very meager and inadequate compensation. After considering the sale instances which was before the SLAO, the learned reference court has granted compensation at the rate of Rs. 3120/- per R.

Therefore, being aggrieved by the same, the acquiring body has filed the present appeal.

4. Mr. Ingale, learned counsel for the original claimants submits that the decree is already satisfied and the claimants have already withdrawn the amount.

5. After hearing the learned counsel for respective parties, with their able assistance I have gone through the record and proceedings and findings recorded by the reference court. The reference court has recorded finding that as per the award declared by SLAO, Exh. 46, the SLAO has considered the sale instances at Sr. No. 3 dated 8.7.1991 by which 1 R. land from Survey No. 3 was sold for Rs.2,40,000/- per H. and as the said transaction was executed before section 4 notification i.e. 13.10.1994, the learned reference court has granted escalation at 10% from the date of transaction and has granted the compensation. The learned reference court has considered the sale instances which was already before the SLAO and has granted enhancement and therefore, the enhancement granted by the reference court is just, proper and reasonable and therefore, this court is of the view that the enhancement granted by the reference court is not excessive or exorbitant and therefore, no case is made out to interfere in the impugned award. The first appeal sans merits and the same is dismissed. Civil application, if any, also stands disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/