IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 FIRST APPEAL NO. 1723 OF 2009

THE STATE OF MAHARASHTRA AND ORS
VERSUS
PAULAD HIRAMAN PATIL L.RS. SANTOSH PAULAD PATIL AND ORS
...
Mr. D. R. Korde, AGP for Appellants.
Mr. Ajeet B. Kale, Advocate for Respondent Nos.1a to 1h.
...

WITH
CIVIL APPLICATION NO. 5198 OF 2009
IN FA/1723/2009

THE STATE OF MAHARASHTRA AND ORS
VERSUS
PAULAD HIRAMAN PATIL L.RS. SANTOSH PAULAD PATIL AND ORS
...
Mr. D. R. Korde, AGP for Applicants.
Mr. Ajeet B. Kale, Advocate for Respondent Nos.1a to 1h.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 1st OCTOBER, 2026

P.C.:-

1. Since the acquisition proceedings pertain to the year 1989, the appeal is heard finally with the consent of the learned Advocates for the respective parties.

2. By the present appeal, the Appellants/State are challenging the judgment and award dated 22.09.2006 passed by the learned Civil Judge, Senior Division, Jalgaon, in LAR No.1497/1998, whereby the learned Reference Court enhanced the compensation.

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

(i) The land of the Claimants was acquired for National Highway No.6. The Notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") was published on 16.03.1989 and the Notification under Section 6 of the Act came to be published on 28.09.1990.

(ii) The Special Land Acquisition Officer (SLAO) passed an award on 05.12.1992 and possession was taken on 21.06.1993. The SLAO granted compensation at the rate of Rs.9,800/- per hectare.

(iii) After accepting the said amount under protest, the Claimants sought a reference under Section 18 of the Act, contending that the SLAO had granted very meagre compensation. Before the learned Reference Court, the Claimants relied upon the sale instances. The learned Reference Court recorded a finding that the acquired lands were non-agricultural lands and, therefore, determined the market rate on that basis. While determining the market rate, the learned Reference Court granted the rate of Rs.2,00,000/- per acre for dry land, treating the acquired land as non-agricultural land, but simultaneously granted an additional amount of Rs.2,00,000/- by holding that the acquired lands were irrigated lands. Hence, the present appeal has been filed by the State.

4. Mr. D. R. Korde, learned AGP, vehemently submits that once the learned Reference Court has recorded a finding that the acquired lands are non-agricultural lands, there was no justification for further granting compensation by treating the lands as irrigated lands and thereby granting double the amount, which is unjust and improper. He, therefore, prays for allowing the appeal.

5. Mr. Ajeet Kale, learned Advocate for the Respondents/Claimants, vehemently submits that the learned Reference Court has rightly considered that the acquired lands are irrigated lands. As the acquired lands are treated as irrigated lands, the Claimants are entitled to receive double the rate applicable to dry land. He, therefore, submits that the judgment and award passed by the learned Reference Court does not call for any interference.

6. Having heard the learned Advocates for the respective parties and with their able assistance, I have gone through the record and proceedings. After considering the arguments advanced, a very short issue is involved. Once the learned Reference Court has treated the acquired land as non-agricultural land, the learned Reference Court ought to have granted the rate applicable to dry land only. Once the acquired land is treated as non-agricultural land, the question of granting further compensation by treating the same as irrigated land does not arise.

7. Even this Court in First Appeal No.1741 of 2009 dated 28.09.2026 arising out of same project has confirmed the rate of Rs.2,00,000/- per Hectare for dry land.

8. Therefore, as regards the amount of Rs.2,00,000/- granted for non-agricultural land, the same needs to be maintained. However, as regards the additional amount of Rs.2,00,000/- granted for irrigated land, the same is liable to be set aside. Hence, I proceed to pass the following order:-

ORDER

(i) The present appeal filed by the State is partly allowed.

(ii) The judgment and award dated 22.09.2006 passed by the learned Civil Judge, Senior Division, Jalgaon, in LAR No.1497/1998 is modified to the extent that the Claimants are entitled to receive compensation at the rate of Rs.2,00,000/- per hectare.

(iii) The additional amount of Rs.2,00,000/- per hectare granted towards the irrigated land is hereby quashed and set aside.

(iv) The claimants shall be entitled to interest and other statutory benefits in accordance with the law laid down by the Full Bench of this Court in ***State of***

Maharashtra Vs. Kailash Shiva Rangari, reported in *2016(3) Mh.L.J. 457*.

(v) Rest of the impugned award remains unaltered.

(vi) Modified award be drawn accordingly.

(vii) Pending civil applications, if any, are also disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

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