IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 FIRST APPEAL NO. 1158 OF 2015

THE EXECUTIVE ENGINEER, BEED MINOR IRRIGATION DIVISION
VERSUS
DADA PATILBUWA WAGH AND OTHERS
...
Mr. Ruturaj C. Patil, Advocate for Appellant.
Mr. Mahesh S. Bhosale, Advocate for Respondent Nos.1 and 2 is **Absent**.

...
AND
X-OBJECTION (STAMP) NO. 15399 OF 2016
IN FA/1160/2015

AMBADAS BHANUDAS WAGH AND ANR
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, BEED AND ANR
...
Mr. Prafullasing H. Patil h/f. Mr. R. T. Deshmukh, Advocate for the Petitioners.

WITH
X-OBJECTION (STAMP) NO. 15407 OF 2016
IN FA/1159/2015

HARIBHAU BABURAO WAGH, L.RS. SHIVAJI AND ANR
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, BEED AND ANR
...
Mr. Prafullasing H. Patil h/f. Mr. R. T. Deshmukh, Advocate for the Petitioners.

WITH
X-OBJECTION (STAMP) NO. 15397 OF 2016
IN FA/1158/2015

DADA PATILBUWA WAGH AND ANR
VERSUS
THE EXECUTIVE ENGINEER,MINOR IRRIGATION DIVISION, BEED

AND ANR

…

Mr. Prafullasing H. Patil h/f. Mr. R. T. Deshmukh, Advocate for the Petitioners.

WITH
FIRST APPEAL NO. 1159 OF 2015

THE EXECUTIVE ENGINEER, BEED MINOR IRRIGATION DIVISION
VERSUS
HARIBHAU BABURAO WAGH, L.RS. SHIVAJI AND OTHERS

…

Mr. Ruturaj C. Patil, Advocate for Appellant.
Mr. Mahesh S. Bhosale, Advocate for Respondent Nos.1 and 2.

WITH
FIRST APPEAL NO. 1160 OF 2015

THE EXECUTIVE ENGINEER, BEED MINOR IRRIGATION DIVISION
VERSUS
AMBADAS BHANUDAS WAGH AND OTHERS

…

Mr. Ruturaj C. Patil, Advocate for Appellant.
Mr. Mahesh S. Bhosale, Advocate for Respondent Nos.1 and 2.

WITH
FIRST APPEAL NO. 1162 OF 2015

THE EXECUTIVE ENGINEER, BEED MINOR IRRIGATION DIVISION
VERSUS
SADASHIV RAMBHAU WAGH AND OTHERS

…

Mr. Ruturaj C. Patil, Advocate for Appellant.
Mr. Mahesh S. Bhosale, Advocate for Respondent Nos.1 and 2.

WITH
X-OBJECTION (STAMP) NO. 15433 OF 2016
IN FA/1162/2015

SADASHIV RAMBHAU WAGH AND ANR
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, BEED
AND ANR

...

Mr. Prafullasing H. Patil h/f. Mr. R. T. Deshmukh, Advocate for the Petitioners.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 1st OCTOBER, 2026

P.C.:-

1. Since the acquisition proceedings pertain to the year 2003, the appeals are heard finally with the consent of the learned Advocates for the respective parties.

2. By these appeals, the Appellant/acquiring body is aggrieved by the judgment and award dated 24.02.2012 passed by the learned Joint Civil Judge, Senior Division, Beed in LAR Nos.118/2009, 119/2009, 123/2009 and 126/2009, whereby the learned Reference Court determined the rate in favour of the Claimants.

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

(i) The lands of the Claimants from village Khadkighat were acquired by the Government for Brhat Laghu Prakalp Tandlewadi Damline, village Khadkighat Medium Project.

(ii) The Notification under Section 4(1) of the Land Acquisition Act, 1894 came to be published on 18.09.2003.

(iii) The Special Land Acquisition Officer (SLAO) passed an award on 20.09.2005 and determined the rate ranging from Rs.727/- to

Rs.827/- per R. Therefore, after accepting the amount under protest, the Claimants sought a reference under Section 18 of the Act. Before the learned Reference Court, the Claimants relied upon the sale instances below Exhibits-48 and 49 of village Tandalwadi Ghat. After going through the judgment and award passed by the learned Reference Court, the learned Reference Court, in paragraph Nos.20, 21, 22 and 23, discussed the sale instances and recorded a finding that the sale instances below Exhibits-48 and 49 are comparable sale instances.

4. Mr. Ruturaj C. Patil, learned Advocate for the Appellant/acquiring body submits that the learned Reference Court has enhanced the compensation on the basis of the sale instance at Exhibits-48 and 49. He submits that the sale instances are not properly comparable with the acquired lands and that the learned Reference Court has granted excessive compensation. He further submits that the learned Reference Court awarded interest from the date of notification which is contrary to 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***. He, therefore, submits that the impugned judgment and award deserves to be interfered with and the appeal be allowed.

5. Mr. Prafullasing H. Patil h/f. Mr. R. T. Deshmukh, learned

Advocate for the Appellant submits that the learned Reference Court, the Claimants relied upon the sale instances at Exhibits-48 and 49 from village Tandalwadi Ghat which is adjacent to the village Khadkighat. The learned Reference Court applied 30% deduction as the sale instance pertains to another village and granted 10% escalation and determined the rate @ of Rs.3,065/- per R. He further submits that however, while enhancing the compensation, the learned Reference Court has considered the order passed in LAR No.382 of 2006 and granted compensation at the rate of Rs.2,500/- per R which is irrelevant and therefore, he prays to allow the cross objections filed by the Claimants and dismiss the appeals filed by the acquiring body.

6. Having heard learned Advocates for the respective parties and with their able assistance, I have gone through the record and proceedings. It is not disputed that the learned Reference Court observed that the sale instances below Exhibits-48 and 49 are comparable sale instances. The learned Reference Court applied 30% deduction as the sale instances pertain to another village and also granted 10% escalation and determined rate of Rs.3,065/- per R. However, while enhancing compensation, the learned Reference Court considered the order passed in LAR No.382/2006 and granted compensation @ of Rs.2500/- per R. Therefore, this Court is of the view that once the learned Reference Court has observed that the sale

instances below Exhibits-48 and 49 are comparable sale instances, the learned Reference Court ought to have considered the same, as the learned Reference Court had applied 30% deduction and also granted 10% escalation. Therefore, this Court is inclined to partly allow the cross-objections filed by the Claimants. The Claimants are entitled to receive Rs.3,065/- per R, which is rounded off to Rs.3,000/- per R for their acquired land.

7. As regards the interest part is concerned, the learned Reference Court has granted interest from the date of notification, which is contrary to the law laid down by the Full Bench of this Court in ***Kailash Shiva Rangari (supra)***. Therefore, to that extent, the appeal filed by the acquiring body needs to be partly allowed. Hence, I proceed to pass the following order:-

O R D E R

(i) The present appeals filed by the acquiring body are partly allowed and the cross objections filed by the Claimants are also partly allowed.

(ii) The judgment and award dated 24.02.2012 passed by the learned Joint Civil Judge, Senior Division, Beed in LAR Nos.118/2009, 119/2009, 123/2009 and 126/2009 is modified to the extent that the Claimants are entitled to receive compensation at the rate of

Rs.3,000/- per R for their acquired lands.

(iii) The Claimants are entitled to receive all statutory benefits including interest under Sections 28 and 34 of the Act from the date of the award, in view of the law laid down by the Full Bench of this Court in ***Kailash Shiva Rangari (supra)***.

(iv) The Claimants are entitled to withdraw the amount, if any, remaining deposited in these appeals.

(v) The Claimants are permitted to withdraw the amount along with the interest accrued thereon.

8. Mr. Patil, learned Advocate, submits that, as earlier, the acquiring body has deposited the amount at the rate of Rs.2,500/- per R and, in view of the enhancement granted by this Court, the acquiring body will deposit the remaining amount with interest within a period of twelve weeks from today.

(SIDDHESHWAR S. THOMBRE, J.)

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