IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

320 CIVIL APPLICATION NO. 1982 OF 2013 IN FAST/32833/2012

The Special Land Acquisition Officer, Minor Irrigation, Jalgaon And Another
VERSUS
Narayan Khushal Bhirud (Died)
Through L.Rs. Pandurang And Others

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Mr. A.D. Wange, AGP for Appellant-State
Mr. A.B. Kale, Advocate for Respondents-Claimants

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 06 OCTOBER, 2026

PER COURT :

ORDER IN CIVIL APPLICATION:

1. The present Civil Application is filed by the State for condonation of 1256 days delay caused in filing the First Appeal.

2. For the reasons stated in the application, the Civil Application deserves to be allowed. The Civil Application is allowed. The delay of 1256 days caused in preferring the First Appeal stand condoned.

ORDER IN FIRST APPEAL :

3. Heard the learned counsel for the respective parties.

4. By this appeal, the Appellant-State takes exception to the impugned Judgment and Award dated 17.12.2008 passed by the learned Joint Civil Judge, Senior Division, Jalgaon, in Land Acquisition Reference No.59 of 2002, whereby the learned Reference Court has enhanced the compensation along with statutory benefits.

5. The land belonging to the claimant, admeasuring 2700 Sq. Mtrs. from Gut No.16/14-R, situated at village Fekari, Taluka Bhusawal, District Jalgaon, was acquired for the purpose of construction of a flyover bridge. The notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act"), came to be published on 21.08.1997. The Special Land Acquisition Officer (for short, "the SLAO") passed the Award under Section 11 of the Act on 23.10.2000 and awarded compensation at the rate of Rs.20/- per Sq. Mtr. The claimant received the amount under protest and sought a reference under Section 18 of the Act, contending that the compensation awarded by the SLAO was meager and inadequate.

6. Before the learned Reference Court, the claimant relied upon the sale instance at Exhibit 27, dated 07.01.1997, pertaining to village Nimbhore (Bk.), as also the Judgment and Award passed in Land Acquisition Reference No.65 of 2002 dated 29.07.2006. The learned Reference Court relied upon the said Judgment and Award and determined the market value of the acquired land at the rate of Rs.140/- per Sq. Mtr. In the said Reference, the lands were acquired for the same project. Though the said Judgment and Award is not binding upon the learned Reference Court, the determination therein can certainly be taken into consideration as a relevant piece of evidence and as a guiding principle for determining the correct market value of the acquired land in the present case. It is not brought to the notice of this Court that the said Judgment and Award has been set aside or modified in any proceedings before this Court.

7. Having regard to the aforesaid material on record, this Court finds that the learned Reference Court has properly appreciated the evidence and has rightly determined the market value of the acquired land. No case is made out for interference with the impugned Judgment and Award. The enhancement granted in favour of the claimant, therefore, does not call for interference. The appeal consequently deserves to be dismissed.

8. The First Appeal is dismissed.

9. Pending Civil Applications, if any, also stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane