IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

278 FIRST APPEAL NO. 969 OF 2016

The State Of Maharashtra And Another
VERSUS
Manik Ambadas Wadne

.....

279 FIRST APPEAL NO. 970 OF 2016

The State Of Maharashtra And Another
VERSUS
Vinyak Ambadas Wadane

.....

280 FIRST APPEAL NO. 972 OF 2016

The State Of Maharashtra And Another
VERSUS
Jagnnath Vithoba Wadne And Others

.....

281 FIRST APPEAL NO. 973 OF 2016

The State Of Maharashtra And Another
VERSUS
Jaydeo Limbaji Gate

.....

Mr. A.D. Wange, Mr. B.A. Shinde, Mr. S.N. Morampalle & Mr. S.S. Dande, AGPs for State in respective matters
Mr. L.C. Patil, Advocate for Respondents-Claimants

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

PER COURT :

1. Heard the learned AGPs for the Appellant-State in the respective appeals.

2. By these appeals, the Appellant-State takes exception to the common impugned Judgment and Award dated 25.03.2011 passed by the learned 2nd Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference Nos.20 of 2001, 508 of 2000, 16 of 2001 and 13 of 2001, whereby the learned Reference Court has enhanced the compensation along with statutory benefits.

3. The lands belonging to the respective claimants were acquired for the purpose of the dam line and submergence area of the M.I. Tank at Sangvi Malumbra. The notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act"), was published on 02.03.1995. The Special Land Acquisition Officer passed the Award under Section 11 of the Act on 16.06.1998 and awarded compensation at the rate of Rs.12,000/- per Acre for the acquired lands. The claimants accepted the said compensation under protest, reserving their right to claim enhanced compensation. Being dissatisfied with the Award, the claimants preferred the aforesaid Land Acquisition References under Section 18 of the Act.

4. Before the learned Reference Court, the claimants relied upon the sale instance at Exhibit 31, dated 23.02.1995, pertaining to the same village, whereby land admeasuring 37 R from Block No.350 was sold for a consideration of Rs.50,000/-. The learned Reference Court, upon considering the said sale instance and the corroborative evidence of PW-2 and the claimant, determined the market value of the acquired lands and granted enhanced compensation at the rate of Rs.50,000/- per Acre.

5. Upon considering the 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 lands. The enhanced compensation is slightly more than four times the amount awarded by the Special Land Acquisition Officer. However, having regard to the evidence on record and the sale instance relied upon by the learned Reference Court, the compensation so determined cannot be said to be excessive or exorbitant. No case is made out for interference with the impugned Judgment and Award on the question of determination of market value.

6. However, insofar as the award of interest under Section 28 of the Act is concerned, the learned Reference Court has directed payment of such interest from the date of publication of the notification under Section 4 of the Act. The said direction is contrary to the law laid down by the Full Bench of this Court in ***State of Maharashtra Vs. Kailas Shiva Rangari, reported in 2016 (3) Mh.L.J. 457***. Accordingly, to that extent, the impugned Judgment and Award requires modification. Hence, the following order:

O R D E R

(i) The First Appeals are partly allowed.

(ii) The common impugned Judgment and Award dated 25.03.2011 passed by the learned 2nd Joint Civil Judge, Senior Division, Osmanabad, in L.A.R. Nos.20/2001, 508/2000, 16/2001 and 13/2001 1, is modified to the aforesaid extent.

(iii) The claimants shall be entitled to interest under Sections 28 and 34 of the Act in accordance with law, including the law laid down by this Court in ***State of Maharashtra Vs. Kailas Shiva Rangari*** (supra).

(iv) Except to the aforesaid extent, the remaining part of the common impugned Judgment and Award passed by the learned Reference Court shall remain unaltered.

(v) The claimants shall be entitled to withdraw the amount deposited by the State/Acquiring Body, together with accrued interest thereon, in accordance with the modified Award.

(vi) Bank Guarantee or solvent security, if any, furnished by the claimants, stands discharged.

(vii) The modified Awards shall be drawn accordingly.

(viii) The claimants are at liberty to file an appropriate application for rental compensation, if any, before the Collector, Aurangabad. If such application is filed, the Collector, Aurangabad, shall consider and decide the same in accordance with the prevailing Government Policy, within a period of twelve weeks from the date of receipt of such application.

(ix) Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE