



IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT  
AURANGABAD

62 FIRST APPEAL NO. 1462 OF 2025

DIPAK BALAJI KOTHARE AND ANR  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS

...  
Advocate for Appellant : Ms. L.R. Thakur h/f Mr. Patil Laxmikant C.  
AGP for Respondent no. 1 & 2 : Mr. N.D. Raje  
Advocate for Respondent No. 3 : Mr. Narwade Vinayak P.  
...

CORAM : SHAILESH P. BRAHME, J.  
DATE : 12.02.2026.

**FINAL ORDER :**

1. Appellants are questioning judgment and award dated **16.04.2019** passed by the Reference Court in L. A. R. No. **391 of 2012** and seeking enhancement of compensation on the ground of parity.

2. It is submitted by the learned counsel for the appellants that this Court has been taking consistent view in case of acquisition of house property to accept private valuer's report for awarding the compensation. The Reference Court only granted enhancement to the extent of 40% instead of accepting the valuer's report.

3. The submissions of the appellants are contested by the respondents. It is submitted that no case is made out for enhancement and adequate compensation has already been granted by the Reference Court.

4. The acquisition of the house property is for Lendi project and

the property is from village Itgyal, Tq. Mukhed, Dist. Nanded. The notification under Section 4 was issued on **03.05.2007** and award was passed under Section 11 on **27.08.2010**. Following are the material particulars.

| L.A.R. NO. & date of decision | First Appeal no. | House no. and area                                                  | L.A.O. granted compensation | Reference Court granted enhancement | Valuation and Exh. no. of valuation report |
|-------------------------------|------------------|---------------------------------------------------------------------|-----------------------------|-------------------------------------|--------------------------------------------|
| 391/2012<br>16.04.2019        | 1462/2025        | Old H. No. 18,55,56<br>new H.No. 268, 295, 296<br>1080 square meter | Rs. 11,49,929/-             | 40%<br>Rs. 2,80,342/-               | Rs. 32,48,496/-<br>Exh. 29.                |

5. Appellants have adduced evidence of private valuer at **Exhibit 29**. The valuation is shown to be of Rs. **32,48,496/-**. There is no contra evidence adduced by the respondent – acquiring body. This Court has been taking consistent view in accepting the report of the private valuer for enhancing the compensation. A useful reliance can be had to following judgments of the of this Court:

(i) **Kashinath s/o Nagnth Vs. State of Maharashtra in First Appeal No. 2460/2021, decided on 13.07.2022.**

(ii) **Ramesh s/o Govindrao Patil Vs. State of Maharashtra, in First Appeal No. 1814/2023, decided on 18.12.2025.**

6. The Reference Court has committed patent illegality in awarding the compensation marginally instead of accepting the report of private valuer in entirety. I, therefore, pass following order.

**ORDER**

- A. The first appeal is allowed partly.
- B. The appellants are entitled to compensation of Rs. **32,48,496** /- for the acquired house property.
- C. The appellants shall be entitled to receive interest U/Sec. 28 and 34 of the Land Acquisition Act in view of the judgment of the Full Bench of this Court in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]**.
- D. Save and except above, the impugned judgment and award shall remain unaltered.
- E. The appellants shall pay the deficit court fees.
- F. Award be drawn up accordingly.
- G. Record and proceedings shall be sent back to the Reference Court.

( SHAILESH P. BRAHME J. )