



IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT
AURANGABAD

911 FIRST APPEAL NO. 1591 OF 2025

Ashok Jaywantrao Kothare (died) Thr Lrs Kamlabai And Anr

VERSUS

The State Of Maharashtra Thr The Collector, Nanded And Ors

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Ms. L. R. Thakur h/f. Mr. L. C. Patil, Advocate for Appellants

Mr. S. V. Hange, AGP for Respondent-s/State

Mr. A. M. Phule, Advocate for Respondent No.3

CORAM : SHAILESH P. BRAHME, J.

DATE : 22.01.2026

FINAL ORDER :

1. Appellants are questioning judgment and award dated 06.07.2019 passed by the Reference Court in L. A. R. No. 418 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 Idgyal, Tq. Mukhed, Dist. Nanded. Following are the material particulars.

Sr. No.	FA.No.	LAR No. and date of decision	House No. and Area	U/s 4 notification	U/s. 11 Award	LAO granted	Reference Court granted
911	1591/2025	418/2012 06.07.2019	House bearing No. 62/1 (New House No.311) 46.00 Sq.Mtrs	03.05.2007	27.08.2010	6,82,826/-	2,73,130/- (enhancement compensation 40%)

5. Appellants have adduced evidence of private valuer and their report is proved and marked as Exhibit 33. The valuation is shown to be of Rs. 14,68,807/-. 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 Supreme Court and this Court :

1. **Huchanagouda vs. The Assistant Commissioner and Land Acquisition Officer and Ors.**
2. **Ali Mohammad Beigh and Ors vs. State of J & K** reported in AIR 2017 SC 1518
3. **Ningappa Thotappa Angadi (Dead) Through Legal Representatives vs. Special Land Acquisition Officer and Another** reported in (2020) 19 Supreme Court Cases 599
4. **Union of India vs. Bal Ram and Another** reported in AIR 2004 SC 3981.
5. **Godavari Marathwada Irrigation Development Corporation and Others vs. Vajinath Rangnath Manvatkar** reported in First Appeal Stamp No.17242 of 2014 with connected matters.

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. 14,68,807/- for the acquired house property.
- C. The appellants shall not be entitled to interest and statutory benefits for the delayed period and the lapses for 806 days.
- D. 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]**.
- E. Save and except above, the impugned judgment and award shall remain unaltered.
- F. The appellants shall pay the deficit court fees.
- G. Award be drawn up accordingly.
- H. Record and proceedings shall be sent back to the Reference Court.

(SHAILESH P. BRAHME J.)