



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 265 OF 2026

Union of India through the General
Manager, Central Railway and others .. Appellants
Versus
Arjun Chandrabhan Bhogade .. Respondent

AND

FIRST APPEAL NO. 273 OF 2026

Union of India through the General
Manager, Central Railway and others .. Appellants
Versus
Shamrao Murlidhar Bhogade and others .. Respondents

AND

FIRST APPEAL NO. 267 OF 2026

Union of India through the General
Manager, Central Railway and others .. Appellants
Versus
Alkabai Bajirao Arune and others .. Respondents

AND

FIRST APPEAL NO. 263 OF 2026

Union of India through the General
Manager, Central Railway and others .. Appellants
Versus
Sampat Rajaram Bhogade
Since deceased through his L.Rs.
Hirabai Sampat Bhogade and others .. Respondents

AND

FIRST APPEAL NO. 268 OF 2026

Union of India through the General
Manager, Central Railway and others .. Appellants

Versus

Bhausahab Ramchandra Bhogade .. Respondent

AND**FIRST APPEAL NO. 271 OF 2026**

Union of India through the General
Manager, Central Railway and others .. Appellants

Versus

Anandrao Bhaktaji Bhogade and another.. Respondents

AND**FIRST APPEAL NO. 266 OF 2026**

Union of India through the General
Manager, Central Railway and others .. Appellants

Versus

Jalindar Ramchandra Bhogade .. Respondent

AND**FIRST APPEAL NO. 264 OF 2026**

Union of India through the General
Manager, Central Railway and others .. Appellants

Versus

Sushila Tukaram Bhogade .. Respondent

AND**FIRST APPEAL NO. 269 OF 2026**

Union of India through the General
Manager, Central Railway and others .. Appellants

Versus

Kashinath Keru Bhogade .. Respondent

AND**FIRST APPEAL NO. 274 OF 2026**

Union of India through the General
Manager, Central Railway and others .. Appellants

Versus

Ashok Laxman Bhogade

.. Respondent

AND**FIRST APPEAL NO. 272 OF 2026**

Union of India through the General

Manager, Central Railway and others .. Appellants

Versus

Nandu Keru Bhogade

Since deceased through his L.Rs.

Shahabai Nandu Bhogade and another .. Respondents

AND**FIRST APPEAL NO. 270 OF 2026**

Union of India through the General

Manager, Central Railway and others .. Appellants

Versus

Gowardhan Sahebrao Bhogade

.. Respondent

Shri Ajay G. Talhar, D.S.G.I. for the Appellants in all matters.

Shri Chandrakant K. Shinde and Ms. G. R. Jagtap, Advocates
for the Respondents/ claimants in all matters.**CORAM : SHAILESH P. BRAHME, J.****DATE : 18TH APRIL, 2026.****FINAL ORDER :**

. Taken up for final disposal with the consent of the parties.

2. The acquiring body has preferred these appeals against common judgment and award dated 09.09.20192 passed in group of Reference Petitions. The rate fixed by the Reference Court for the lands under acquisition and consequential quantum is under challenge. The evidence adduced before the Reference Court is

common, hence these appeals are decided by this common order.

3. Appellants have undertaken acquisition for laying down new railway track from Ahmednagar – Beed – Parli. Lands from various villages have been acquired, which resulted into filing of various references. Those were decided by forming groups by the Reference Court. The judgments passed by the Reference Courts are subjected to challenge by the acquiring body as well as the claimants in few of the matters. In the present group the claimants have not preferred any cross objection or appeal. The lands are from village Sakat, Tq. Ashti, Dist. Beed.

4. Following are the material particulars :

Sr. No.	First Appeal No.	L.A.R. No.	Gut No.	Area acquired	Date of Sec. 4 notification	Rate awarded by the SLAO	Rate fixed by the Reference Court.
1	265/2026	48/2014	60	0.30R	09.09.2009	Rs. 850/- per R dry land	Rs. 2,161/-/- per R. dry land.
2	273/2026	44/2014	50/1	1.30R	09.09.2009	Rs. 850/- per R dry land	Rs. 2,161/-/- per R. dry land.
3	267/2026	45/2014	36	0.73r	09.09.2009	Rs. 735/- per R dry land	Rs. 2,161/-/- per R. dry land.
4	263/2026	46/2014	59/2	0.49R	09.09.2009	Rs. 850/- per R dry land	Rs. 2,161/-/- per R. dry land.
5	268/2026	47/2014	61/1	0.24R	09.09.2009	Rs. 850/- per R dry land	Rs. 2,161/-/- per R. dry land.
6	271/2026	50/2014	50/1	0.45R	09.09.2009	Rs. 850/- per R dry land	Rs. 2,161/-/- per R. dry land.
7	266/2026	51/2014	61/1	0.31R	09.09.2009	Rs. 850/- per R dry land	Rs. 2,161/-/- per R. dry land.
8	264/2026	52/2014	59/1	0.14R	09.09.2009	Rs. 850/- per R dry land	Rs. 2,161/-/- per R. dry land.
9	269/2026	53/2014	59/1	0.09R	09.09.2009	Rs. 850/- per R dry land	Rs. 2,161/-/- per R. dry land.
10	St. 8831/2022	54/2014	50/1	1.30R	09.09.2009	Rs. 850/- per R dry land	Rs. 2,161/-/- per R. dry land.

11	274/2026	55/2014	59/3	0.84R	09.09.2009	Rs. 850/- per R dry land	Rs. 2,161/-/- per R. dry land.
12	272/2026	56/2014	59/1	0.07R	09.09.2009	Rs. 850/- per R dry land	Rs. 2,161/-/- per R. dry land.
13	270/2026	57/2014	64/1	0.22R	09.09.2009	Rs. 850/- per R dry land	Rs. 2,161/-/- per R. dry land.

5. The lands of the respondents were acquired by preliminary notification U/Sec. 4 of the L. A. Act issued on 09.02.2009. The Special Land Acquisition Officer passed award on 26.03.2010 offering the rate of Rs. 850/- per R for dry land in Group – I and Rs. 735/- per R for Group II. Being aggrieved respondents approached the Civil Court by preferring reference petitions. The Reference Court enhanced the rate to Rs. 2,161/- per R for dry land.

6. Mr. Ajay Talhar, learned D. S. G. I. submits that Reference Court committed error of jurisdiction in enhancing the rate which is not supported by adequate material. It is submitted that S. L. A. O. had undertaken due procedure of law and inspection was done. The documents were collected to arrive at market rate. As against that the sale instances placed before the Reference Court were incompatible. It is submitted that considering the location and the potential of the lands under acquisition, the Reference Court erred in enhancing the rate. The Reference Court further committed illegality in granting statutory benefits of solatium and additional component.

7. Per contra, learned counsel appearing for the respondents – claimants supports the impugned judgment and award. It is

submitted that claimants – respondents have adduced oral and documentary evidence. The appellants did not adduce any oral evidence. The sale deeds at Exhibit Nos. 30 and 31. The Reference Court found the sale instance at Exhibit Nos. 30 and 31 compatible and preferred. The reference Court has also relied upon the award Exhibit 43 passed in L.A.R. No. 324 of 2006 and another award at Exhibit 51 passed in L.A.R. No. 364 of 2010. The Reference Court has adopted a reasonable and practical approach in fixing the rate at Rs. 2,161/- per R. for dry land.

8. I have considered rival submissions of the parties. I have formulated following points for determination.

- I. Whether the enhancement granted by the Reference Court is liable to be quashed ?
- II Whether the statutory benefits extended by the Reference Court are in accordance with law ?

9. The respondents adduced oral and documentary evidence. The appellants did not lead oral evidence.

10. Point No. I :

The evidence was led by the claimants in L.A.R. No. 48 of 2014. The claimants produced sale deeds at Exhibit Nos. 30 and 31, award at Exhibit 43 passed in L. A. R. No. 324 of 2006 and award at Exhibit 51 passed in L.A.R. No. 364 of 2010. The land in the sale instance at Exhibit No. 30 was from self same village.

The Reference Court, therefore, preferred to rely upon sale deed Exhibit 30 for fixing the rate. Accordingly the rate is fixed at Rs. 2,161/- per R for dry lands. I do not find any illegality in the rate fixed by the Reference Court. The discretion has been exercised judiciously and reasonably. The lands under acquisition are treated to be dry lands.

11. There is no reason to discard the rate. There is always some element of guesswork in fixation of the probable market value. It is permissible to have guesstimate as explained by the Hon'ble Apex Court in Trishala Jain V. State of Uttaranchal, reported in *AIR 2011 SC 2458* which is rightly followed by the reference Court. The appellant has failed to make out any case to cause interference in fixing the rate which is reasonable and akin to the market value at the prevalent time.

I answered point No. I against the appellants.

12. Point No. II

The claimants are granted benefits under Section 23(1-A) of the Act. The interest has been awarded in accordance with law laid down in State of Maharashtra V. Kailash Shiva Rangari reported in *2016(3) Mh.L.J. 457*. No case is made out by the appellants to show any fault or illegality in awarding statutory benefits and the interest.

I answered point No. II against the appellants.

13. It is made clear that dismissal of these Appeals preferred by the acquiring body would not bind any other claimants' whose lands have been acquired for the self same project in claiming enhancement of the compensation by preferring independent Appeals or the Cross-Objections. Their claims for any further enhancement would be dealt with in accordance with law and on the basis of the evidence produced on record.

14. It is further clarified that the counsel appearing for the respondents/claimants has made candid statement that his clients are unable to prefer any appeal or cross objection for enhancement in the High Court. They are precluded from claiming enhancement in future.

15. This Court had an occasion to deal with first appeals preferred by the self same acquiring body challenging judgments of the Reference Court arising out of self same purpose of acquisition. This Court dismissed the appeals by assigning elaborate reasons in the matter of **the Executive Engineer, Central Railway, Pune and others Vs. Subhash Narayan Gore and others in First Appeal No. 418 of 2026 with other connected matters vide judgment and order dated 10.04.2026**. I propose to follow the same course in upholding the judgments rendered by the Reference Court in the present matters also.

16. For the reasons stated above, I do not find that there is any

perversity or illegality in the judgment and award passed by the reference Court. The Appeals preferred by the acquiring body sans merit. Hence, I pass the following order :

O R D E R

- A. First Appeals are dismissed.
- B. Award be drawn accordingly.
- C. There shall be no order as to costs.
- D. The amount deposited by the appellants – acquiring body shall be disbursed to the respondents – claimants with accrued interest as per their entitlement.
- E. In case the amount is not deposited, appellants shall make the payment expeditiously.

[SHAILESH P. BRAHME J.]