



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

**FIRST APPEAL NO. 1722 OF 2025**

Union of India through the General  
Manager, Central Railway and others .. Appellants  
**Versus**  
Dadasaheb Shrihari Pawar .. Respondent

**WITH  
FIRST APPEAL NO. 1741 OF 2025**

Union of India through the General  
Manager, Central Railway and others .. Appellants  
**Versus**  
Ashok Balbhim Jadhav .. Respondent

**WITH  
FIRST APPEAL NO. 1724 OF 2025**

Union of India through the General  
Manager, Central Railway and others .. Appellants  
**Versus**  
Sopan Kondiba Pokale .. Respondent

**WITH  
FIRST APPEAL NO. 1725 OF 2025**

Union of India through the General  
Manager, Central Railway and others .. Appellants  
**Versus**  
Govind Shankar Chawan .. Respondent

**WITH  
FIRST APPEAL NO. 1726 OF 2025**

Union of India through the General  
Manager, Central Railway and others .. Appellants  
**Versus**  
Rama Shankar Chawan .. Respondent

**WITH  
FIRST APPEAL NO. 1727 OF 2025**

Union of India through the General  
Manager, Central Railway and others .. Appellants  
**Versus**  
Parmeshwar Bayaji Kakade .. Respondent

**WITH  
FIRST APPEAL NO. 1728 OF 2025**

Union of India through the General  
Manager, Central Railway and others .. Appellants  
**Versus**  
Chandrakala Abhiman Kakade .. Respondent

**WITH  
FIRST APPEAL NO. 1729 OF 2025**

Union of India through the General  
Manager, Central Railway and others .. Appellants  
**Versus**  
Mahadeo Dyandeo Pawar .. Respondent

**WITH  
FIRST APPEAL NO. 1730 OF 2025**

Union of India through the General  
Manager, Central Railway and others .. Appellants  
**Versus**  
Vishnu Bhagwat Pawar  
Since deceased through his L.Rs.  
Vaishali Wd/o Vishnu Pawar and others .. Respondents

**WITH  
FIRST APPEAL NO. 1738 OF 2025**

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

**Versus**

Baban Baburao Jadhav

.. Respondent

**WITH****FIRST APPEAL NO. 1731 OF 2025**

Union of India through the General

Manager, Central Railway and others .. Appellants

**Versus**

Tatya Laxman Chawan

.. Respondent

**WITH****FIRST APPEAL NO. 1732 OF 2025**

Union of India through the General

Manager, Central Railway and others .. Appellants

**Versus**

Popat Mahadeo Jadhav

.. Respondent

**WITH****FIRST APPEAL NO. 1733 OF 2025**

Union of India through the General

Manager, Central Railway and others .. Appellants

**Versus**

Sakhahari Mahadeo Jadhav

.. Respondent

**WITH****FIRST APPEAL NO. 1745 OF 2025**

Union of India through the General

Manager, Central Railway and others .. Appellants

**Versus**

Yogita Popat Jadhav

.. Respondent

**WITH****FIRST APPEAL NO. 1734 OF 2025**

Union of India through the General

Manager, Central Railway and others .. Appellants

**Versus**

Vikram Shankar Chawan .. Respondent

**WITH****FIRST APPEAL NO. 1735 OF 2025**

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

**Versus**

Shrikant Keshav Jadhav .. Respondent

**WITH****FIRST APPEAL NO. 1744 OF 2025**

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

**Versus**

Shriram Sahebrao Khandagale .. Respondent

**WITH****FIRST APPEAL NO. 1736 OF 2025**

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

**Versus**

Bharat Haribhau Jadhav .. Respondent

**WITH****FIRST APPEAL NO. 1737 OF 2025**

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

**Versus**

Lahu Parmeshwar Kerulkar .. Respondent

**WITH****FIRST APPEAL NO. 1743 OF 2025**

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

**Versus**

Namdeo Parmeshwar Kerulkar .. Respondent

**WITH****FIRST APPEAL NO. 1739 OF 2025**

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

**Versus**

Ramdas Mahadeo Jadhav .. Respondent

**WITH****FIRST APPEAL NO. 1740 OF 2025**

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

**Versus**

Bhagwan Rangnath Bhagat .. Respondent

**WITH****FIRST APPEAL NO. 1746 OF 2025**

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

**Versus**

Baban Haribhau Chawan and others .. Respondents

**WITH****FIRST APPEAL NO. 1723 OF 2025**

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

**Versus**

Chagan Ambadas Jadhav and others .. Respondents

Shri Ajay G. Talhar, D.S.G.I. for the Appellants in all matters.  
Shri Chandrakant C. 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 :**

. Some of the first appeals are not on today's board. On mentioning of the learned counsel for the respondents/claimants those are taken on board.

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

3. The acquiring body has preferred these appeals against common judgment and award dated 27.09.2022. 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.

4. 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 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 Raghapur, Tq. Ashti, Dist. Beed.

5. 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       | 1741/2025        | 236/2014   | 09        | 0.65R         | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,900/- per R. seasonally Irrigated |
| 2       | 1724/2025        | 229/2014   | 31        | 0.32R         | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,900/- per R. seasonally Irrigated |
| 3       | 1725/2025        | 230/2014   | 09        | 0.11R         | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,900/- per R. seasonally Irrigated |
| 4       | 1726/2025        | 231/2014   | 09 38/8B  | 0.11R 0.1     | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,900/- per R. seasonally Irrigated |
| 5       | 1727/2025        | 232/2014   | 39        | 0.20R         | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,900/- per R. seasonally Irrigated |
| 6       | 1728/2025        | 234/2014   | 12/1K     | 0.20R         | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,365/- per R. Jirayat land         |
| 7       | 1729/2025        | 235/2014   | 10/2A     | 0.32R         | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,365/- per R. Jirayat land         |
| 8       | 1730/2025        | 239/2014   | 12/2A     | 0.34R         | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,365/- per R. Jirayat land         |
| 9       | 1722/2025        | 240/2014   | 12/2B     | 0.32R         | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,365/- per R. Jirayat land         |
| 10      | 1738/2025        | 241/2014   | 38/8/K    | 0.37R         | 18.12.2008                  | Rs. 1200/- per R         |                                         |
| 11      | 1731/2025        | 243/2014   | 09        | 0.15R         | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,900/- per R. seasonally Irrigated |
| 12      | 1732/2025        | 244/2014   | 4 4       | 0.15R 0.34R   | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,065/- per R. Jirayat land         |
| 13      | 1733/2025        | 245/2014   | 4         | 0.34R         | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,065/- per R. Jirayat land         |
| 14      | 1745/2025        | 246/2014   | 7/11/E 34 | 0.35R 0.03R   | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,065/- per R. Jirayat land         |
| 15      | 1734/2025        | 248/2014   | 09        | 0.15R         | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,900/- per R. seasonally Irrigated |
| 16      | 1735/2025        | 249/2014   | 34        | 0.08R         | 18.12.2008                  | Rs. 1200/- per R         | Rs. 2,900/- per R. seasonally Irrigated |
| 17      | 1744/2025        | 251/2014   | 12/1B     | 0.20R         | 18.12.2008                  | Rs. 1200/-               | Rs. 2,065/- per                         |

|    |           |          |          |                |            | per R               | R. Jirayat land                               |
|----|-----------|----------|----------|----------------|------------|---------------------|-----------------------------------------------|
| 18 | 1736/2025 | 252/2014 | 34<br>33 | 0.32R<br>0.01R | 18.12.2008 | Rs. 1200/-<br>per R | Rs. 2,900/- per<br>R. seasonally<br>Irrigated |
| 19 | 1737/2025 | 253/2014 | 39<br>31 | 0.07R<br>0.12  | 18.12.2008 | Rs. 1200/-<br>per R | Rs. 2,900/- per<br>R. seasonally<br>Irrigated |
| 20 | 1743/2025 | 254/2014 | 39       | 0.07R          | 18.12.2008 | Rs. 1200/-<br>per R | Rs. 2,900/- per<br>R. seasonally<br>Irrigated |
| 21 | 1739/2025 | 255/2014 | 04       | 0.11R          | 18.12.2008 | Rs. 1200/-<br>per R | Rs. 2,065/- per<br>R. Jirayat land            |
| 22 | 1740/2025 | 256/2014 | 7/11E    | 0.35R          | 18.12.2008 | Rs. 1200/-<br>per R | Rs. 2,065/- per<br>R. Jirayat land            |
| 23 | 1746/2025 | 257/2014 | 7/11E    | 0.34R          | 18.12.2008 | Rs. 1200/-<br>per R | Rs. 2,065/- per<br>R. Jirayat land            |
| 24 | 1723/2025 | 258/2014 | 39       | 0.26R          | 18.12.2008 | Rs. 1200/-<br>per R | Rs. 2,900/- per<br>R. seasonally<br>Irrigated |

6. The lands of the respondents were acquired by preliminary notification issued on 18.12.2008. The notification U/Sec. 6 of the Land Acquisition Act (for the sake of brevity and convenience hereinafter referred as to the “L. A. Act”) was issued on 14.10.2009. The Special Land Acquisition Officer passed award on 19.07.2010 offering the rate of Rs. 1,200/- per R. Being aggrieved respondents approached the Civil Court by preferring applications. The Court enhanced the rate to Rs. 2,065/- per R for Jirayat land and Rs. 2,900/- per R for seasonally irrigated land.

7. 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. The reliance on the rate fixed in L. A. R. No. 263 of 2014 is arbitrary and illegal. 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.

8. Per contra, learned counsels appearing for the respondents – claimants support the impugned judgment and award. They would submit that on the ground of parity the Reference Court cautiously adopted the rate given in L. A. R. No. 263 of 2014 after considering relevant aspects of the matter. It is submitted that Exh. 22 to 26 were the sale instances placed before the Reference Court which were compatible to the claim of the claimants. The Reference Court has adopted a reasonable and practical approach in fixing the rate at Rs. 2,365/- per R. for dry land and Rs. 2,900/- per R. for semi irrigated land.

9. 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 ?

10. The respondents adduced oral and documentary evidence which was recorded in LAR. No. 236 of 2014. The same is treated to be the evidence in all the matters. In all five sale instances from Exh. 22 to 26 were pressed into service. Besides that judgment and award passed by the Reference Court in LAR. No. 263 of 2014 at Exh. 54 was produced to support the ground of parity. The appellants did not adduce any oral evidence.

11. Point No. I :

The respondents / claimants have produced evidence on record to show that the lands acquired are irrigated lands. The oral evidence is corroborated by 7 / 12 extract showing crop pattern. Appellants did not challenge the classification of lands referred in paragraph No. 16. Therefore, it can be safely treated that the lands under acquisition are dry and semi irrigated lands as the case may be.

12. The sale instances at Exh. 22 and 25 disclosing higher rates are discarded because those are not from the land situated at village Raghapur. The sale exemplar at Exh. 26 is found to be compatible as the transaction pertain to land from village Raghapur. The rate of Rs. 2,252/- per R. for seasonal irrigated land is found deducible. The approach of the Reference Court is reasonable and just in preferring the sale instance at Exh. 26.

13. The Reference Court has also taken into account the rate of

Rs.2365/- for dry land as it was done by the Reference Court in L. A. R. No. 263 of 2014. The lands from the self-same village were acquired. The sale instance at Exh. 38 in that matter was considered and the rate is found to be compatible. The date of notification and award are also found to be the same. By adopting the rates from LAR. No.263 of 2014, the rate of Rs.2365/- per R. for dry land and Rs.2900/- per R. for semi irrigated land are fixed by the Reference Court.

14. The discretion has been exercised judiciously and reasonably. 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. I do not find any illegality in fixing the rate 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.

15. 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.

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

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

18. 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.
- F. All pending civil applications for stay stand disposed of.

**[ SHAILESH P. BRAHME J. ]**

bsb/April 26