



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

FIRST APPEAL NO. 2365 OF 2025

Union of India through the General
Manager, Central Railway and others .. Appellants
Versus
Sakharam Laxman Khole and another .. Respondents

**AND
FIRST APPEAL NO. 2951 OF 2024**

Union of India through the General
Manager, Central Railway and others .. Appellants
Versus
Vishnu Appasaheb Khole and others .. Respondents

**AND
FIRST APPEAL NO. 2952 OF 2024**

Union of India through the General
Manager, Central Railway and others .. Appellants
Versus
Dagdu Kisan Khole
Since deceased through his L.Rs.
Appasaheb Dgdu Khole and another .. Respondents

**AND
FIRST APPEAL NO. 2953 OF 2024**

Union of India through the General
Manager, Central Railway and others .. Appellants
Versus
Bhausahab Pandurang Khole .. Respondent

Shri Ajay G. Talhar, D.S.G.I.for the Appellants in all matters.
Shri Dnyaneshwar A. Bide, Advocate 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 02.08.2022 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 Rakshasbhuwan, Tq. Shirur (Kasar), 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.
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1	2365/2025	1714/2017	282	0.24R	18.12.2008	Rs. 750/- per R dry land	Rs. 3,125/- per R. dry land.
2	2951/2024	1712/2017	181/1	1.26R	18.12.2008	Rs. 750/- per R dry land	Rs. 3,125/- per R. dry land.
3	2952/2024	1716/2017	344/1	0.45R	18.12.2008	Rs. 750/- per R dry land	Rs. 3,125/- per R. dry land.
4	2953/2024	1713/2017	344/2	0.62R	18.12.2008	Rs. 750/- per R dry land	Rs. 3,125/- 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 18.12.2008. The Special Land Acquisition Officer passed award on 06.08.2011 offering the rate at Rs. 750/- per R for dry land. Separate compensation for stone bund and trees was also granted. Being aggrieved respondents approached the Civil Court by preferring reference petitions. The Reference Court enhanced the rate to Rs. 3,125/- 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. 19 to 21. The Reference Court found the sale instance at Exhibit Nos. 19 to 21 compatible and preferred to rely upon them. The Reference Court has adopted a reasonable and practical approach in fixing the rate at Rs. 3,125/- per R. for dry land. The Reference Court has also granted separate rate for stone bund and threes.

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. 1712 of 2017. The claimants produced sale deeds at Exhibit Nos. 19 to 21. The lands in the sale instances at Exhibit Nos. 19 to 21 were

from self same village. The Reference Court, therefore, preferred to rely upon sale deeds for fixing the rate. Accordingly the rate is fixed at Rs. 3,125/- per R for dry lands and separate compensation has been granted for stone bund and trees. 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. The Reference Court has specifically relied on the sale instance at Exhibit 21 dated 11.09.2000.

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.

12. The respondents were granted separate compensation for structure and trees. By reasoned order it is recorded that they failed to make out a case for enhancement. The compensation granted by the S. L. A. O. is upheld.

I answered point No. I against the appellants.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.]