



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

FIRST APPEAL NO. 3044 OF 2024

Union of India through the General
Manager, Central Railway and others .. Appellants
Versus
Babasaheb Keshav Ghorpade .. Respondent

Shri Ajay G. Talhar, D.S.G.I. for the Appellants.
Shri S. R. Shirsat., Advocate for the Respondent/ claimant

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 the appeal against judgment and award dated 03.12.2019 passed in Reference Petition. 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 the appeal is decided by this order.
3. Appellants have undertaken acquisition for laying down new railway track from Ahmednagar – Beed – Parli. Lands from village have been acquired, which resulted into filing of reference. It was decided by the Reference Court. The judgment passed by the Court is subjected to challenge by the acquiring

body as well as the claimant in the present matter. In the present matter, the claimant has not preferred any cross objection or appeal. The lands are from village Fakir Javala, Tq. Dharur, 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	3044/2024	32/2013	177/A 177/B	46 R 40 R	18.12.2008	Rs. 1200/- per R to Rs.1400 per R	Rs. 4500/- per R. Jirayat land

5. The land of the respondent was acquired by preliminary notification issued on 18.12.2008. The Special Land Acquisition Officer passed award on 16.08.2011 offering the rate of Rs. 1200/- per R (Class -I) to Rs. 1400/- per R (Class -III). Being aggrieved respondent approached the Civil Court by preferring reference petition. The Reference Court enhanced the rate to Rs. 4500/- per R for Jirayat 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 respondent – claimant supports the impugned judgment and award. It is submitted that claimant – respondent has adduced oral and documentary evidence. The appellants did not adduce any oral evidence. The sale deed **bearing No.714/2009 dtd.08.06.2009** were relied upon. The Reference Court found the sale instance **dtd.08.06.2009** was compatible. The Reference Court has adopted a reasonable and practical approach in fixing the rate at **Rs. 4500/-** per R for Jirayat 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 claimant in **L.A.R. No. 32 of**

2013. The claimant produced sale deeds bearing No.714/2009 dated 08.06.2009. The land in the sale instance **dtd. 08.06.2009** was from village Fakir Javala. In the present matter lands from self same village have been acquired. The Reference Court, therefore, preferred to rely upon sale deed bearing No.714/2009 dated 08.06.2009 for fixing the rate. Accordingly the rate is fixed at **Rs. 4500/-** per R for Jirayat land. I do not find any illegality in the rate fixed by the Reference Court. The discretion has been exercised judiciously and reasonably.

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. It is noticed that the enhancement granted by the Reference Court is within four times in all the matters. Therefore, the matters are covered by the Government Resolution No. Sankirna – 2014/Prak.Kra. 4/Bham-1/A-4 dated 03rd November, 2016 with Corrigendum dated 23rd February, 2017 and 13th August, 2018 to the said Government Resolution. On that count also the enhancement needs to be upheld.

I answered point No. I against the appellants.

13. Point No. II

The claimant is 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. His 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 respondent/claimant has made candid statement that his clients are unable to prefer any appeal or cross objection for enhancement in the High Court. He is precluded from claiming enhancement in future.

16. This Court had an occasion to deal with first appeal 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 appeal 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 matter 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 Appeal preferred by the acquiring body sans merit. Hence, I pass the following order :

O R D E R

- A. First Appeal is 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 respondent – claimant 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.]