IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 399 OF 2026

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

Versus

Syed Razzak Syed Hakkim Died Thr.Lrs. Syed Safiya Died Thr. Lrs. Shahid and ors. .. Respondents

AND

FIRST APPEAL NO. 413 OF 2026

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

Versus

Syed Ashraf Ali Syed Wajir and Ors. .. Respondents

Shri Ajay G. Talhar, D.S.G.I.for the Appellants in all matters.
Shri S. R. Shirsat, 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 the appeals against judgment and award dated 09.11.2012 passed in 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 the appeals are 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 claimants in the present matters. In the present matters, the claimants have not preferred any cross objection or appeal. The lands are from village Karegaon, Tq. Patoda, 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	399/2026	468/2016	678 680	39 R 20 R	18.02.2009	Rs. 770/- per R to Rs.880 per R	Rs. 3244/- per R. Jirayat land
2	413/2026	470/2016	681 679	10 R 1 H. 28 R	18.02.2009	Rs. 770/- per R to Rs.880 per R	Rs. 3244/- per R. Jirayat land

5. The lands of the respondents were acquired by preliminary notification issued on 18.02.2009. The Special Land Acquisition Officer passed award on 11.03.2011 offering the rate of Rs. 770/- per R. to Rs. 880/- per R by classifying the lands as Class-I to Class-III. Being aggrieved respondents approached the Civil Court by preferring reference petitions. The Reference Court enhanced the rate to Rs. 3244/- per R for Jirayat lands.

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 deed at **Exhibit 27** was relied upon. The Reference Court found the sale instance **Exhibit 27** was compatible. The Reference Court has adopted a reasonable and practical approach in fixing t **Exhibit 27** he rate at **Rs. 3244/-** 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 claimants in **L.A.R. No. 470 of 2016**. The claimants produced sale deed **Exhibit 27**. The land in the sale instance at **Exhibit 27** was from village Karegaon. In the present matter lands from self same village have been acquired. The Reference Court, therefore, preferred to rely upon sale deed at **Exhibit 27** for fixing the rate. Accordingly the rate is fixed at **Rs. 3244/-** 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 t**he 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 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.**]

bsb/April 26