



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

FIRST APPEAL NO. 517 OF 2012

Prabhakar s/o. Dagadu Salgar,
Age 55 years, Occu. Agri.,
R/o. Mungi, Taluka Dharur,
District Beed

.. Appellant
(Original Claimant)

Versus

1. The State of Maharashtra
Through District Collector, Beed

2. The Executive Engineer,
Beed Minor Irrigation Division,
Headquarter at Ambajogai,
District Beed

3. Namdev s/o. Dagadu Salgar,
Age 50 years, Occu. Agri.,
R/o. Mungi, Taluka Dharur,
District Beed

.. Respondents

Mr. Shrikrashna B. Solanke, Advocate for Appellant;
Mr. S. G. Sangle, A.G.P. for Respondent No.1;
Mr. Bhagwat A. Shinde, Advocate for Respondent No.2;
Mr. P. D. Suryawanshi, Advocate for Respondent No.3

...
AND

FIRST APPEAL NO. 1297 OF 2012

Namdeo s/o. Dagdu Salgar,
Age 52 years, Occu. Agril.,
R/o. Sukali, now Taluka Dharur,
District Beed

.. Appellants
(Original Claimants)

Versus

1. The State of Maharashtra
Through District Collector, Beed

2. The Executive Engineer,
Beed Minor Irrigation Division,
Headquarter at Ambajogai,
District Beed

3. Prabhakar s/o. Dagdu Salgar,
Age 57 years, Occu. Agril.,
R/o. Sukali, now Taluka Dharur,
District Beed .. Respondents

Mr. Prashant D. Suryawanshi, Advocate for Appellants;
Mr. S. G. Sangle, A.G.P. for Respondent No.1;
Mr. Bhagwat A. Shinde, Advocate for Respondent No.2;
Mr. Shrikrashna B. Solanke, Advocate for Respondent No.3

...
AND

FIRST APPEAL NO. 1298 OF 2012

1. Bhagwat s/o. Bapurao Lavhale,
Age 55 years, Occu. Agril.,
2. Ramnarayan s/o. Bapurao Lavhale,
Age 52 years, Occu. Agril.,
3. Parmeshwar s/o. Bapurao Lavhale,
Age 48 years, Occu. Agril.,
4. Shivaji s/o. Bapurao Lavhale,
Age 44 years, Occu. Agril.,
All R/o. Sukali, Now Taluka Dharur,
District Beed .. Appellants
(Original Claimants)

Versus

1. The State of Maharashtra
Through District Collector, Beed
2. The Executive Engineer,
Beed Minor Irrigation Division,
Headquarter at Ambajogai,
District Beed .. Respondents

Mr. Prashant D. Suryawanshi, Advocate for Appellants;
Mr. S. G. Sangle, A.G.P. for Respondent No.1;
Mr. Bhagwat A. Shinde, Advocate for Respondent No.2

...
AND

FIRST APPEAL NO. 3256 OF 2015

- Narayan s/o. Bajirao Salgar,
Age 65 years, Occu. Agril.,
R/o. Mungi, Taluka Dharur,
District Beed .. Appellants

(Original Claimant)

Versus

1. The State of Maharashtra
Through the Collector, Beed

2. The Executive Engineer,
Beed Minor Irrigation Division,
Headquarter, Ambajogai,
District Beed

.. Respondents

Mr. Shrikrashna B. Solanke, Advocate for Appellant;
Mr. S. G. Sangle, A.G.P. for Respondent No.1;
Mr. Bhagwat A. Shinde, Advocate for Respondent No.2

...
AND

**FIRST APPEAL NO. 3678 OF 2011
WITH
CIVIL APPLICATION NO. 8701 OF 2024 IN FA/3678/2011**

Dattu s/o. Namdeo Galande,
Age 68 years, Occu. Agril.,
Died, L.Rs.:-

1. Anirudra s/o. Dattu Galande,
Age 50 yeas, Occu. Agril.,
2. Kavinarayan s/o. Dattu Galande,
Age 48 years, Occu. Agril.,
3. Limbubai wd/o. Dattu Galande,
Age 73 years, Occu. Agril.,
All R/o. Sukali, Taluka Majalgaon,
District Beed

.. Appellants
(Original Claimants)

Versus

1. The State of Maharashtra
Through the Collector, Beed

2. The Executive Engineer,
Beed Minor Irrigation Division,
Headquarter Ambajogai,
District Beed

.. Respondents

Mr. Prashant D. Suryawanshi, Advocate for Appellants;
Mr. S. G. Sangle, A.G.P. for Respondent No.1;
Mr. Bhagwat A. Shinde, Advocate for Respondent No.2

...
AND

FIRST APPEAL NO. 3679 OF 2011

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| <ol style="list-style-type: none"> 1. Balbhim s/o. Khanderao Galande,
Age 55 years, Occu. Agril., 2. Arjun s/o. Khanderao Galande,
Age 50 years, Occu. Agril.,
Both R/o. Sukali, Now Taluka Dharur,
District Beed | <p>.. Appellants
(Original Claimants)</p> |
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Versus

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| <ol style="list-style-type: none"> 1. The State of Maharashtra
Through the Collector, Beed 2. The Executive Engineer,
Beed Minor Irrigation Division,
Headquarter Ambajogai,
District Beed | <p>.. Respondents</p> |
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Mr. Prashant D. Suryawanshi, Advocate for Appellants;
Mr. S. G. Sangle, A.G.P. for Respondent No.1;
Mr. Bhagwat A. Shinde, Advocate for Respondent No.2

...
AND

FIRST APPEAL NO. 968 OF 2014

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Jalinder s/o. Tatyaba Deshmukh,
Age 55 years, Occu. Agril., 2. Machindra s/o. Tatyaba Deshmukh,
Age 60 years, Occu. Agril., 3. Rohidas s/o. Tatyaba Deshmukh,
Age 50 years, Occu. Agril., 4. Baban s/o. Shivaji Solanke,
Age 45 years, Occu. Agril., 5. Sau. Rajani w/o. Haribhau Deshmukh,
Age 50 years, Occu. Household,
All R/o. Sukali, Taluka Dharur,
At present Parli Vaijnath,
Taluka Parali, District Beed | <p>.. Appellants
(Original Claimants)</p> |
|---|---|

Versus

1. The State of Maharashtra
Through the Collector, Beed
2. The Executive Engineer,
Beed Minor Irrigation Division,
Headquarter Ambajogai,
District Beed .. Respondents

Mr. Prashant D. Suryawanshi, Advocate for Appellants;
Mr. S. G. Sangle, A.G.P. for Respondent No.1;
Mr. Bhagwat A. Shinde, Advocate for Respondent No.2

...
AND

FIRST APPEAL NO. 1149 OF 2013

1. Prakash s/o. Raosaheb Saundankar,
Age 45 years, Occu. Agril.,
2. Maroti s/o. Raosaheb Saundankar,
Age 42 years, Occu. Agril.,
3. Anjanabai d/o. Raosaheb Saundankar,
Age 40 years, Occu. Household,
Through Power of Attorney
Gangadhar s/o. Bhagwanrao Jagtap,
Age 50 years, Occu. Business,
R/o. N-2, Near Community Hall,
Aurangabad .. Appellants
(Original Claimants)

Versus

1. The State of Maharashtra
Through District Collector, Beed
2. The Executive Engineer,
Beed Minor Irrigation Division,
Headquarter Ambajogai,
District Beed .. Respondents

Mr. Prashant D. Suryawanshi, Advocate for Appellants;
Mr. S. G. Sangle, A.G.P. for Respondent No.1;
Mr. Bhagwat A. Shinde, Advocate for Respondent No.2

...

CORAM : SANJAY A. DESHMUKH, J.

DATE : 24-03-2026

PER COURT:-

1. These appeals are preferred by the appellant/claimants against the common judgment and award delivered by the learned Land Reference Court, Majalgaon, District Beed, in LAR No.668, 671, 675, 682, 686, 687, 698, 711 and 748 of 2004, dated 31.01.2011, and partly allowed the Land Acquisition References by enhancing compensation to the claimants for their acquired lands and trees therein, arising out of one and the same Award of the Special Land Acquisition Officer, dated 11.08.1994. The claimants' lands as shown in the following chart were acquired for the purpose of Tali, Channel /Road/Submergence of Gunwati Brihat Laghu Sinchan Project at Sukali/Mungi/Tapowan/Khamgaon, Taluka Majalgaon (now, Dharur), District Beed:-

First Appeal	LAR	Acquired Gat	Area (H.R)	Compensation awarded per R by	
				LAO	Reference Court
(1)	(2)	(3)	(4)	(5)	(6)
517/2012 and 1297/2012	748/2004	13/20	2 H. 66 R	Rs.235/-	Rs.1041/-
		20/38	1 H. 26 R	Rs.250/-	
		12/16	1 H. 71 R.	Rs.250/-	
		12/17	55 R.	Rs.250/-	
		12/15	4 R.	Rs.200/-	
1298/2012	711/2004	9/10-45 (8 H 81 R.)	6H 54R	Rs.240/-	Rs.1041/-
			2 H. 29R	Rs.74.83/-	
3256/2015	10/2008	32/58	1 H 80 R	Rs.235/-	Rs.1080/-
3678/2011	687/2004	40/168	1 H. 71 R	Rs. 240/-	Rs.1041/-
		62/185	10 R	Rs. 265/-	
		61/172	23 R.	Rs. 265/-	
		60/169	2 R	Rs. 220/-	

3679/2011	698/2004	60/166	1 H 47 R	Rs. 240/- to Rs.260/-	Rs.1041/-
		61/184	3 R		
		60/171	55 R		
		61/171	32 R		
		60/169	1 R		
968/2014	668/2004	7/44 (6 H 54 R)	4 H 25 R	Rs. 240/- to Rs.260/-	Rs.1041/-
			2 H 29 R		
1149/2013	675/2004	30/102	4 H 79 R	Rs.240/-	Rs.1041/-

2. The learned Advocates for the appellants pointed out the pleadings, the evidence, the grounds of objections in the appeals and the reasons and findings in the impugned judgment and submitted that the learned Reference Court has not determined the compensation as per the market value of the acquired lands and for fruit bearing trees. It has awarded a meager amount of compensation. They further submitted that sale exemplar at Exhibit-68 was not properly appreciated and the amount of compensation was determined on the basis of a decision in the Land Acquisition Reference without justification.

3. The learned Advocate for the appellants submitted that the the acquired lands are irrigated, which can be seen from the 7/12 extracts, wherein the existence of well are mentioned. However, it was not considered, even though the claimants received the compensation for the acquired well, which can be seen from the "E" statement of the Award drawn up by the Special Land Acquisition Officer. It is further submitted that the reasons and

findings of the learned Reference Court are not legal and correct. It is, therefore, prayed to allow the appeals and set aside the impugned judgment and award.

4. The learned A.G.P. for the respondent/State has strongly opposed the appeals and submitted that a reasonable amount of compensation is awarded and sale exemplar relied upon by the appellants at Exhibit-68 is not comparable as there is evidence of an earlier decision of land Reference Court on record. He pointed out a paragraph No.14 of the impugned judgment and submitted that 15% escalation is granted by the Reference Court by relying upon the earlier judgment on the principle of parity. Therefore, no interference is warranted in the impugned judgment and award. Learned A.G.P. further pointed out that the Expert has not followed *Miram* table method as to material and detail particulars, as to the status and nature of trees. He further submitted that the claimants have to claims compensation either for fruit bearing trees or land. The learned Reference Court has rightly refused the amount of compensation for the trees. The evidence of the valuer, Venkat Manikrao Ghogare at Exhibit-56 along with valuation report at Exhibit-61 and the map at Exhibit-62 showing the existence of fruit bearing trees, is unbelievable and has been rightly disbelieved by the learned Reference Court. He prayed to dismiss all the first appeals.

5. The only point for consideration before this Court is, “whether the amount of compensation awarded to the claimants, is as per the market value of the acquired lands or not?”

6. On perusal of the evidence and the reasons in the impugned judgment, this Court finds that the sale exemplar Exhibit-68 has rightly not been believed by the learned Reference Court by holding that the claimants’ land was more inferior as compare to the lands purchased under the sale exemplar at Exhibit-68. Further, the evidence of Vaijantabai Vasant Kande (PW-3) was rightly not believed by the learned Reference Court.

7. In the impugned judgment, particularly, paragraph No.14, the learned Reference Court has relied upon the judgment of the earlier reference case and granted 15% escalation in price increase for six years and determined and awarded the proper compensation. Thus, market value of the acquired land for one and same project was determined @ Rs.1041/- per Are. however, claimants’ lands are irrigated, which is established from the 7/12 extracts and ‘E’ statement drawn up of L.A.O. Therefore, the claimants are entitled to double of the said amount, i.e. @ Rs.2,082/- per Are for their acquired irrigated lands. Thus, the acquired lands are irrigated, double rate of compensation is to be awarded.

8. There is absolutely no scope for interference in the

impugned judgment and award with regard to the valuation of the trees and sale exemplar at Exhibit-68. The compensation as per market value is rightly determined by the learned Reference Court. The appeal, therefore, deserves to be partly allowed. The impugned judgment and award deserves to be partly set aside. Hence, the order;

ORDER

- (i) The first appeals are partly allowed.
- (ii) The impugned judgment and award are partly set aside and modified as under;
 - (a) The appellant/claimants are entitled to enhanced compensation amount @ Rs.2082/- per Are for their acquired lands, including the earlier compensation awarded and received by them along with all statutory benefits like interest, component and solatium, as per the provisions of the Land Acquisition Act, 1894.
- (iii) It is clarified that the appellants / claimants are not entitled to the interest for the period of delay, if any, is condoned by this Court.
- (iv) The respondent is directed to deposit the enhanced amount of compensation along with all statutory benefits like interest, component and solatium etc., within six weeks/months from today.

- (v) If court fee is not fully paid, the appellants shall pay deficit court fee. On receiving the same, the enhanced amount of compensation be paid to the claimants.
- (vi) Award be drawn up accordingly.
- (vii) Pending civil application, if any, is disposed of.
- (viii) Record and Proceedings be sent back to the concerned Reference Court.

[SANJAY A. DESHMUKH]
JUDGE

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