IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal No. 514 of 2009
IN
L.A.R. No. 188 of 1999

The State Of Maharashtra
(The Special Land Acquisition Officer
No.II, Pune) …Appellant

V/s.

Neguilb Yahyabgiy Kachwalla,
Age 45 years, Occ: Doctor,
R/o 101, Silver Heach,
P.P.Jambhekar Marg, Dadar(west),
Mumbai 400 028. …Respondent

Mr. A.R. Patil	Addl.G.P. for the Appellant – State,
Mr. Ruchit L. Tolat i/b. M/s. L.C.Tolat & co.	Advocate for the Respondent No.1.

CORAM : S.M. MODAK, J

DATE : 8th October 2026.

ORAL JUDGMENT :

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1. Heard learned AGP and learned Advocate for the Respondent-Claimant.

2. The land of the Respondent-Claimant situated at Village Dongargaon, Tal. Mawal, Dist. Pune was acquired for excavation of

soil, murum, stones for construction of new Mumbai-Pune Express High Way. The Special Land Acquisition Officer has offered the rate of Rs.14.5 per sq. meter as per the Award dated 20th January 1998. A notification under Section 4 was issued on 9th December 1996. The reference was filed bearing No.188 of 1999 under Section 18 of the said Act. The Court of Adhoc Additional District Judge, Pune as per the judgment dated 31st May 2007 has enhanced the rate to Rs.500/- per sq. meter which is challenged in this appeal on behalf of the State.

3. Learned Advocate for the Respondents relied upon the judgment passed by the Division Bench of this Court in ***State of Maharashtra v/s. Nequib Yahyabhiy Kachwalla*** **in First Appeal No.1766/2008** dated 17th April 2026. In the said judgment the State has challenged the enhancement granted for the same acquisition for the land situated at Village – Kusgaon, Maval Taluka Dist. Pune.

4. After hearing both the sides the Division Bench has dismissed the appeal and confirmed the rate of Rs.500/- per square meter. Learned Advocate for the Respondents prays that for the same reasoning present appeal filed needs to be dismissed.

5. Learned AGP has taken me through the contents of the impugned judgment dated 31st May 2007. The Reference Court after considering the oral evidence, the previous judgments and location

of land was pleased to enhance the rate to Rs.500/- per sq. meter. According to learned AGP the rate enhanced by the impugned judgment is excessive. The Reference Court after considering the rates of the said instances relied upon by the claimant has fixed the rate of Rs.500/- sq. meter. The rate as per this sale instance was on higher side but those lands are situated at Lonavla city whereas the land under acquisition is situated at Village Dongargaon, Tal. Mawal, Dist. Pune which is far away from the lonavla city.

6. Applicant gave evidence and examined valuer Shri Pansare. Valuer has valued the acquired land @ Rs.1100/- per sq. meter. Though the claimant has relied upon rate fixed in LAR No.354/1997 of land at Village Nangargaon, with the help of map he could not show proximity of both the lands. The map produced by valuer Shri Pansare is not the authentic map. The sale instance is not considered by the reference Court because sale pertains to land which is situated in Lonavala city. Land Acquisition Officer has divided the land on the basis of assessment. It was discarded by the reference Court (Para-18).

7. The reference Court has also discarded the method of valuation on the basis of ready reckoner method (Para-19). The reference Court has disapproved the method of valuation on the basis of agriculture use. It was rightly done on the basis of residential use (Para-21). Though the reference Court has not accepted the rate of Rs.900 per sq. meter offered in sale instance, potential of land for

residence use is considered (Para-24). There is a certificate issued to that effect.

8. The reference Court has also deducted development charges and fixed the rate at Rs.500/- per sq. meter. The reference Court has rightly discarded the alleged proximity of acquired land to the land in which Singad Institute is situated. Because except photographs, no evidence was produced. The reference Court has rightly rejected the rate of Rs. 700/- per sq. meter granted for the lands situated at Village Tungarli because it is not comparable instance.

9. Further more, the Applicant has also relied upon the Valuation Report. The Division Bench in Para No.56 has considered the Valuation Report filed in that matter in great detail. In Para No.70 the Division Bench has come to conclusion that the enhancement granted in the said matter at Rs.500/- per sq. meter was proper. The Division Bench has dealt with the observations in various judgments relied upon by the Respondents and also on behalf of the State and accordingly come to conclusion that compensation was fair and just. For the said reasoning I am not going into detail about the grounds taken in the appeal memo. It is true in the matters arising out of land acquisition Act, the judgments can be relied upon if they pertain to the same notification and pertain to the acquisition of land from the same location. These tests are satisfied in this appeal so I find no merit in the appeal. There is a request to give directions to disburse the amount and to liquidate the Bank Guarantee. Hence, the order:

ORDER

(i) The Appeal is dismissed.

(ii) The Reference Court is directed to pass necessary orders for disbursal of the amount to the claimant which is deposited in fixed deposit.

(iii) The Reference Court is further directed to pass necessary orders for liquidation of Bank Guarantee.

(iv) The amount be disbursed to the claimants as mentioned in the award.

(S.M. MODAK, J.)