Vivekanand

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 758 OF 2018
WITH
CROSS OBJECTION (ST) NO. 17217 OF 2026

The State of Maharashtra (Through The Deputy Collector Land Acquisition … Appellant

V/s.

Dharmaraj Janardan Tandel And Ors. … Respondents

Mr. A. R. Patil, Additional G. P., for the Appellant/Applicant.

Mr. G.S. Hegde, Senior Advocate a/w Ms. P. M. Bhansali, for the Respondent in IA/7494/2026.

Mr. Saurabh Butala a/w Ms. Harshada Shrikhande, for the Respondents.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 13, 2026

P.C.:

1. This Court has already delivered a detailed judgment in First Appeal No. 1983 of 2025, concerning the market value of lands situated at Village Bokadvira, acquired under the notification dated 24 September 1986. In the said judgment, this Court has considered the nature of the acquired lands, the development potential of the village, the surrounding circumstances, the evidence produced by the parties and the earlier judgments relating to the same village and neighbouring villages. After considering all these aspects, this Court has determined the market value of the acquired lands at Rs. 1,725/- per square metre. The

land involved in the present appeal is also situated at Village Bokadvira and was acquired under the same notification. No sufficient reason is shown for taking a different view regarding the market value of the land in the present appeal. Therefore, for the reasons recorded in the judgment delivered in First Appeal No. 1983 of 2025, which are applicable to the present case also, the market value of the acquired land deserves to be fixed at Rs. 1,725/- per square metre.

2. In view of the above discussion, the claimants are entitled to compensation calculated at the rate of Rs. 1,725/- per square metre, instead of Rs. 600/- per square metre awarded earlier. The enhancement is justified because the market value determined by this Court, after considering the relevant evidence and circumstances, is required to be applied to the acquired land in the present appeal also. The compensation shall accordingly be recalculated at the rate of Rs. 1,725/- per square metre, together with the statutory benefits payable under the Land Acquisition Act, 1894, in accordance with law.

3. In view of the reasons recorded above, the appeal filed by the State Government challenging the enhancement of compensation deserves to be dismissed. The appeal filed by the claimants deserves to be allowed to the extent of enhancement of the market value from Rs. 600/- to Rs. 1,725/- per square metre. The award under challenge shall stand modified to that extent. The claimants shall be entitled to the consequential enhancement in compensation and the statutory benefits payable in accordance with law.

4. In view of the foregoing discussion and for the reasons recorded hereinabove, the following order is passed:

I) First Appeal Nos. 758 of 2025 filed by the State is dismissed;

ii) The Cross Objections filed by the claimants are partly allowed;

iii) The judgment and award passed by the Reference Court is modified to the extent that the market value of the acquired lands situated at Village Bokadvira, acquired pursuant to the notification dated 24 September 1986, shall be determined at the rate of Rs.1,725/- per square metre, in place of Rs.600/- per square metre determined by the Reference Court;

iv) Accordingly, the compensation payable to the respective claimants in respect of their acquired lands shall be recalculated at the rate of Rs.1,725/- per square metre;

v) The claimants shall be entitled to solatium, additional amount and interest, as permissible under the applicable provisions of the Land Acquisition Act, 1894, and in accordance with the directions contained in the judgment and award of the Reference Court, on the enhanced compensation determined on the basis of the market value of Rs.1,725/- per square metre;

vi) The amount, if any, already deposited or paid to the claimants pursuant to the judgment and award of the

Reference Court shall be duly adjusted while preparing the final computation;

vii) An authenticated copy of this order shall be furnished to the Special Land Acquisition Officer (SLAO) within a period of two weeks from the date of this order.

viii) The SLAO shall, within a period of three weeks from the date of receipt of the authenticated copy of this order, prepare and submit to the Reference Court the detailed calculations of the amount payable to each claimant in terms of clause (v) above, after giving due effect to the amounts already paid or deposited, together with the solatium, additional amount and interest payable in accordance with law;

ix) Upon receipt of the calculations from the SLAO, the Reference Court shall examine and decide the same within a period of four weeks from the date of receipt thereof;

x) After the Reference Court decides the calculations, the enhanced amount found payable to the respective claimants shall be released within a period of twelve weeks from the date of such decision, in accordance with law;

xi) Any bank guarantee furnished by the claimants in connection with the proceedings shall, upon verification and subject to there being no subsisting order requiring continuation thereof, be released and returned to the concerned claimants in accordance with law;

xii) In view of the facts and circumstances of the case, the parties shall bear their own costs;

xiii) The appeal and Cross Objections stand disposed of in the above terms.

xiv) All pending applications, if any, stand disposed of accordingly.

(AMIT BORKAR, J.)