

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.243 OF 2025

- | | | |
|--|---|---------------|
| 1. The State of Maharashtra, |] | |
| Through the Land Acquisition Officer No.1, |] | |
| Pune |] | |
| 2. The Collector of Pune, Pune |] | |
| 3. The Executive Engineer, |] | |
| Public Works Department (East), Pune |] | .. Appellants |

Versus

- | | | |
|--------------------------------|---|----------------|
| 1. Santosh Goel |] | |
| 2. Siddhart Goel |] | |
| 3. Shantanu Santosh Kumar Goel |] | |
| All residents of Loni Kalbhor, |] | |
| Tal. Haveli, Dist. Pune |] | .. Respondents |

**ALONG WITH
INTERIM APPLICATION NO.1787 OF 2025**

- | | | |
|--------------------------------|---|---------------|
| 1. Santosh Goel |] | |
| 2. Siddhart Goel |] | |
| 3. Shantanu Santosh Kumar Goel |] | |
| All residents of Loni Kalbhor, |] | |
| Tal. Haveli, Dist. Pune |] | .. Applicants |

Mr. A.R. Patil, Additional Government Pleader for the Appellant-State of Maharashtra.

Mr. T.D. Deshmukh with Mr. Sagar Kursija, Mr. Ritesh Kulkarni, Mr. Ronak Utagikar, i/by Mr. Ritesh Kulkarni, Advocates for the Respondents.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 26TH MARCH 2026.

P.C. :

In a Reference under section 18 of the Land Acquisition Act, 1894, the Civil Judge, Senior Division, Pune held that the land owners, namely, Santosh Goel, Siddhart Goel and Shantanu

Santosh Kumar Goel are entitled for compensation of Rs.1,68,77,543/- as against the compensation of Rs.8,93,750/- offered by the Special Land Acquisition Officer ("SLAO"). The awardees are held entitled for compensation @ 12% p.a. on the principal amount of Rs.1,59,83,793/- for the period between 30th September 2006 to 30th November 2008, besides the solatium @ 30% on the principal amount. In Land Acquisition Reference No.121 of 2013, the Land Acquisition Court vide order dated 30th November 2021 has passed the following award:-

- "1] The reference is allowed with costs.*
- 2] The respondents do pay compensation of Rs.1,68,77,543/- (Rupees One crore sixty eight lacs seventy seven thousand five hundred forty three only) at the rate of Rs.1,29,827/- (Rupees One lac twenty nine thousand eight hundred twenty seven only) per Are for the acquired land. The compensation offered by the S.L.A.O. of Rs.8,93,750/- (Rupees Eight lacs ninety three thousand seven hundred fifty only) shall be deducted from it, as it has already been paid.*
- 3] The respondents do pay the component of compensation @ 12% p.a. on Rs.1,59,83,793/- (Rupees one crore fifty nine lacs eighty three thousand seven hundred ninety three only) from 30th September 2006 to 30th November 2008.*
- 4] The respondents do pay the solatium at the rate of 30% on Rs.1,59,83,793/- (Rupees one crore fifty nine lacs eighty three thousand seven hundred ninety three only) of acquired land.*
- 5] The respondents do pay interest to the claimants on the aggregate amount i.e. additional amount, 12% component and 30% solatium mentioned above at the rate of 9% p.a. from the date of Award i.e. from 30th November 2008 to 29th November 2009 and thereafter at the rate of 15% p.a. till realization of the entire amount.*
- 6] The enhanced compensation shall be paid to the claimants after payment of deficit court fees on amount of enhanced compensation awarded.*
- 7] Award be drawn up accordingly."*

2. Assailing legality of the said decision, the State of Maharashtra through the Land Acquisition Officer No.1, Pune has

filed this First Appeal under section 54 of the Land Acquisition Act, 1894. Mr. A.R. Patil, the learned Additional Government Pleader has raised two-fold submissions viz. (i) the referral Court did not correctly apply the ratio in “*Chimanlal Hargovinddas v. Special Land Acquisition Officer, Poona & Anr.*” (1988) 3 SCC 751 and considered the larger plots as reference for fixing the rate of compensation and (ii) the sale deeds post- notification under section 4 of the Land Acquisition Act was taken into consideration.

3. Briefly stated, an area of 0.65 Are was the subject matter of notification under section 4 of the Land Acquisition Act, 1894 which was published in the Official Gazette on 28th September 2006. There is no dispute that the award under section 11 of the Land Acquisition Act, 1894 was made on 30th November 2008 by the SLAO whereunder the awardees were offered compensation of Rs.8,93,750/-. The said award was challenged amongst other the following grounds:-

- (i) The valuation of the subject lands was grossly inadequate and did not reflect the true market value as on the relevant date and that the sale instances indicating higher market rates were discarded without proper reasons;
- (ii) The criteria adopted by the SLAO was not correct inasmuch as there was no change in the revenue assessment in many years;
- (iii) The SLAO wrongly divided assessment into various sub-groups and classified the acquired land into different groups;

- (iv) The SLAO ignored the fertility and superior quality of the lands; and
- (v) The SLAO did not take into consideration the commercial value of the subject lands particularly its potential for non-agricultural use.

4. In "*Chimanlal Hargovinddas*", the Hon'ble Supreme Court held that the reference under section 18 of the Land Acquisition Act, 1894 is not an appeal against the award and the Court is not entitled to take into consideration the materials which were relied upon by the Land Acquisition Officer. This is also relevant to note that "*Chimanlal Hargovinddas*" permits the awardees to produce the sale deeds post-notification and that can be taken into consideration provided they were very proximate, genuine and the sale was not motivated by the purchaser himself. This is a finding recorded in Land Acquisition Reference No.121 of 2013 that the witness, namely, Santosh who is the claimant was not cross-examined on any relevant aspect of the matter. The sale deeds produced in evidence vide Exhibit Nos.28 to 33 were never questioned. The reference Court also referred to the decision in "*Ashok Kumar & Anr. v. State of Haryana*" (2016) 4 SCC 544 and overruled the objection raised on behalf of the State of Maharashtra that the compensation amount should not be more than what the awardee has claimed.

5. This is the duty of the referral Court to award just and fair compensation taking into consideration the market value and other relevant factors. The submission made by Mr. A.R. Patil, the learned Additional Government Pleader that the Court should not have considered the larger plots seems to be an argument in desperation. In a proceeding under section 18 of the Land

Acquisition Act the Court is not entitled to look into the materials on the basis of which the Land Acquisition Officer prepares the award which is in the nature of an offer and not a decree of the Court. The appellant-State which did not produce any contra evidence before the Court cannot challenge the judgment dated 30th November 2021 merely by raising some technical grounds.

6. First Appeal No.243 of 2025 is dismissed. In view thereof, Interim Application No.1787 of 2025 is allowed in the aforesaid terms.

7. The respondents or anyone of them duly authorized by others or through authorized agents shall be permitted to withdraw the amount deposited by the appellant-State with the Registry of this Court with interest accrued thereon and after deducting charges, expenses etc.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]