

MHND060007372015



Received on 14. 07. 2015
Registered on 14. 07. 2015
Decided on 13. 07. 2026
Duration Y. M. D.
10. 11. 29

IN THE COURT OF CIVIL JUDGE, SENIOR DIVISION, BILOLI

(Presided over by: S.S.Ghuge)

L.A.R. No. 327/2015

Exhibit No.23.

Tanaji so Sambhaji Kanthewad

Age-52yrs, Occu. Agri,
R/o. Yellapur, Tq.Dharmabad.
Dist. Nanded.

... Claimant

VERSUS

1. The State of Maharashtra
through District Collector, Nanded,
2. Special Land Acquisition Officer
M.I.W, Nanded
3. The Executive Engineer,
Urdhav Painganga Project Division, No.6,
Nanded.

Respondents

APPEARANCES :

Shri. M.L.Bhuse : Learned Advocate for the
Claimants.

Shri.S.B.Kundalwadikar : Learned A.G.P for the Respondent
No. 1 and 2 .(No W.S.)

Shri. Mohd. Bahaoddin : Learned Advocate for Respondent
No.3

**Claim : References under Section 18 of the Land Acquisition
Act,1894.**

J U D G M E N T

(Delivered on this 13th July, 2026)

1. Initially the present matter was disposed off by judgment on 06.06.2016 as the claimant failed to lead evidence. Against the said judgment and decree, the claimant filed First Appeal No.218/2025 and Writ Petition No.9978/2024 before the Hon'ble High Court Bombay bench Aurangabad. As per direction issued by Hon'ble High Court the present matter is remanded back for deciding the matter a fresh by giving an opportunity to the petitioner to file evidence however, inspite of giving sufficient opportunity to the claimant, he remained absent and failed to lead evidence. Since the matter is land Reference, it cannot be dismissed, therefore, it is necessary to decide the same on the basis of material available on record. Therefore, the matter is taken for judgment.

2. The present reference is filed against the award passed by the Special Land Acquisition Officer, MIW, Nanded dated 30.12.2013. The present reference is filed for enhancement of compensation on the ground that Special Land Acquisition Officer failed to consider the actual market value of the suit land and other parameters regarding the valuation of the land.

3. In the present matter the land of claimant admeasuring 0 H 12-R land out of block No.81, situated at village Yellapur, Tq. Dharmabad, Dist. Nanded was acquired. Said land was acquired for the purpose of submergence area of the Urdhwa Painganga Project canal of Right sub-canal, of Nimtek distribution no.4 Sr.No.1510

to 1740 meter and sr.no.1115 to 1615 mtrs. of village Yellapur. Said lands is hereinafter referred as 'suit land' for the sake of brevity and convenience.

4. It is the contention of the claimant that the respondent No.1 had initiated proceedings of acquisition of the suit lands. The respondent no.2 published notification dated 06-09-2012 under section 4(1) of the Land Acquisition Act in the govt. gazette. The said notification was also published in local newspaper Dainik Deshonnati on 14-09-2012 and Dainik Lokpatra on 15-09-2012. Notification u/s.06 of the Land Acquisition Act came to be published on 16-05-2013 on page no.795 of the Maharashtra Official Gazette and it was also published in the local news paper Dainik Wachak Manch on 05-05-2013 and Dainik Shramik Ekjut on 07/05/2013. The claimants had raised objections after publication of the said notices u/s.04 and section 06 of the Land Acquisition Act. But those notices were not considered by the L.A.O.

5. Further according to claimants respondents did not consider the real market value of suit lands. Also they did not consider the fact that the suit lands had high potential value of yielding crops such as sugarcane, turmeric, Chillies, Wheat, Talki, Jowar, kardi, soyabean, Cotton, Toor etc. It is further contented by the claimant that there were trees of mango and custard apple in the suit land. It is further contented that the respondent failed to consider the fact that the suit lands are near the village. The said village is on Umri to Narsi high way. Also it is close to Dharmabad Taluka. There is a sugar factory by the name Bhaurao Chavan Co-operative Sugar Factory at a distance of 14 K.M. from the village. Further that the village Yellapur has facilities such as school,

electricity, drinking water, roads, sanitation, post office etc. it also has an active gram panchayat. It is a progressive village however, the respondent without considering all these factors passed the award, which is inadequate. According to claimant he is entitled for an enhanced rate of Rs.7,00,000/- per hector with other statutory benefits.

6. Further according to claimant the award was passed behind his back. He did not receive notice under section 12(2) of the Land Acquisition Act on 10-05-2014. He had withdrawn the compensation amount under protest. Hence according to him present claim is within limitation.

7. The respondent was served with notices after this reference was sent to this Court. Respondent no.1 and 2 did not file their written statement, hence, No Written-statement order was passed against them. The respondent no.3 filed his written statement at Exh-13 and admitted the contents in para no. 1 to 4 of the reference.

8. It is the contention of the respondent that the compensation is rightly determined as per Market Value of the suit property and after considering all the parameters. It is further stated that the claim of claimant is exorbitant and based on assumptions and presumptions and is liable to be dismissed.

9. From the rival pleadings of the parties, following issues are framed and I record my findings thereon as under :

<u>Sr. No.</u>	<u>Issues</u>	<u>Findings</u>
1.	Do the claimants prove that the compensation awarded to them by	<u>.. In the negative.</u>

	the respondent No.2 is improper and inadequate?	
2.	Are the claimants entitled to enhanced compensation? If yes, at what rate?	<u>.. In the negative.</u>
3.	What relief, order and costs?	<u>Reference is dismissed.</u>

REASONS

As to Issue No.1 and 2 :

10. In present matter it is to be determined as to whether the compensation awarded by the Special Land Acquisition Officer is adequate or the claimants are entitled for enhanced compensation.

11. It is necessary for the claimants to prove that the amount of compensation awarded by the Special Land Acquisition Officer is inadequate. The claimant can prove the same by producing documents on record to prove that the market value of the suit property is higher than the one awarded by the Special Land Acquisition Officer. The market value of the suit property has to be determined as on the date of publication of the notification under section 4 of the Land Acquisition Act.

12. In present matter sufficient opportunity was given to the claimant to lead evidence to prove that the compensation awarded by the Special Land Acquisition Officer is inadequate and without considering the market value of the suit land and other attainting circumstances however, the applicant failed to

lead evidence therefore, the evidence of the applicant was closed. There is no evidence on record to prove that the compensation awarded by the Special Land Acquisition Officer was in adequate and it was awarded without considering the market value of the suit land as well as without considering the other factors about the crops taken in the suit property and the nearby village area therefore, the claimant had failed to prove that the compensation awarded by the Special Land Acquisition Officer hence, I answer issue No. 1 and 2 in negative.

As to Issue no. 3 :

13. In view of findings on issue No. 1 and 2 the reference is liable to dismissed. Therefore I proceed to pass the following order :

ORDER

- 1- The references is dismissed.
- 2- No order as to costs.
- 3- Award be drawn up accordingly.

(S.S.Ghuge)

Dated : 13.07. 2026.

Civil Judge, Senior Division
Biloli.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word to word, as per the original Judgment.

Name of the Stenographer : Smt. A.K.Shaikh (Grade-II)

Court Name : Court of Civil Judge S.D. Biloli

Date : 13.07. 2026

Judgment signed by the Presiding Officer on : 13.07. 2026

Judgment/Order uploaded on : 13.07. 2026