

CNR No.MHYA230004272020



Received on : 25/06/2012
Registered on: 25/06/2012
Decided on : 12/03/2026
Duration : 13 Yrs.08 Ms.17Ds.

THE COURT OF CIVIL JUDGE SENIOR DIVISION,
UMARKHED, DISTRICT YAVATMAL.
(Presided over by **Hemant S. Bhure**)

Land Acquisition Reference No.125/2012 **Exhibit No.50**

Dadarao Shayamrao Wankhede }
R/o. Kopra(Bk), Taluka Umarched, }
District Yavatmal. } **...Claimant**

VERSUS

1. State of Maharashtra }
Through The Collector, Yavatmal. }
2. The Executive Engineer, }
Urdhav Painganga Project, Division No.2 }
Umarched, District Yavatmal. }
3. Sub-Divisional Officer/ }
The Special Land Acquisition Officer }
Pusad, Tq. Pusad, District Yavatmal. } **..Respondents**

Appearances :-

Shri. P. V. Wakde, Learned Advocate for claimant.
Ex-Parte against Respondent No.1 to 3.

J U D G M E N T

(Delivered on 12th day of March, 2026)

This reference application is presented by the claimant vide Section 18 of Land Acquisition Act (here-in-after referred to as the 'Act') for getting enhancement in compensation awarded by Special Land Acquisition Officer (here-in-after referred to as the 'S.L.A.O.').

Brief fact of the reference application are as under:

2) In this reference application S.L.A.O. has been acquired 00H.07.93R land of the claimant out of Survey No.27/2 situated at village Kopra (Bk), Tal. Umarkhed, Dist. Yavatmal have been acquired by S.L.A.O. in the proceeding bearing LAC No.27/47/2006-2007 for the construction of main canal for Bori Minor Distributary Project under Isapur left canal. The S.L.A.O. initiated the acquisition proceeding on 26/03/2009 and 19/08/2009 by publishing notification under Section 4 of the Act in Maharashtra Government Gazette. The notification u/s 6 of the Act was published on 05/08/2010 and 25/12/2010 in gazette. Notice u/s 12(2) of the Act dated 01/03/2012 was received by the claimant. In the meantime on 20/08/2011 the award u/s 11 of the Act is passed by the S.L.A.O. Claimant is awarded compensation at the rate of Rs.1,64,000/- per hector with other statutory benefits.

3) The claimant is dissatisfied with the quantum of compensation awarded by the S.L.A.O. and therefore he has preferred this reference application u/s 18 of the Act for

enhancement of compensation.

4) According to the claimant, he was cultivating the acquired land personally, his land is most fertile land in the vicinity and the claimant was raising crops two times in a year. The land is very rich fertile having high yielding best Rabi and Kharif crops, as well as horticulture crops and he used to take crops like Cotton, Tur, Jowari, Harbhara, Soyabean, Wheat and Groundnut and other valuable crops. Claimant was getting net annual income of Rs.50,000/-to Rs.60,000/- per acre from the acquired land.

5) According to the claimant, the acquired land is situated at Kopra(Bk), Tal. Umarkhed Dist. Yavamtal. It is a separate Grampanchayat. It is very short distance from Dhanki and Umarkhed. Which are the developing city. In that village education facility available. It is very short distance from the commercial towns in the area Pusad, Mahagaon, Umarkhed where all types of facilities like banking, commercial and educational and other facilities are available. In the vicinity where the acquired land is situated there is Vasant Sugar Factory, Sudhakar Rao Naik Sugar Factory and Pimpalgaon Cotton Mill, therefore, on that area market rate of the land is having high market value.

6) According to the claimant, the amount of compensation determined by S.L.A.O is grossly inadequate

and is not based on the proper valuation of the land. S.L.A.O has not properly appreciated the strategic situation of the land. S.L.A.O erred in fixing the compensation at the rate of Rs.1,64,000/- per hectare for land. S.L.A.O erred in not taking into consideration the instances properly and correctly. The sale instances relied upon by the S.L.A.O cannot be the basis for compensation of the said land. S.L.A.O. has not awarded compensation on the basis of income expected from the said land. The award of S.L.A.O. is against the facts, equity and evidence. The reason given by the S.L.A.O for awarding the compensation in his award is not cogent and sound. So the claimant is claiming additional compensation for acquired land and also claiming additional compensation for 02 mango trees with consequential benefits.

7) Respondent Nos.01 to 03 duly served but they are failed to file written statement, therefore, application is proceeded ex-parte by passing order below Exh.1 on 15/09/2014 and 09/12/2015.

8) Following issues arise for my determination and I have recorded my findings on the issues for the reasons as under :-

Sr. No.	ISSUES	FINDINGS
1.	Whether the compensation amount so awarded to the	...Yes.

	claimant by S.L.A.O. is inadequate ?	
2.	Is the claimant entitled for enhanced compensation ?	... Yes.
3.	What order?	... As per final order.

REASONS

9) The claimant namely Dadarao Shamrao Wankhede examined at Exh.20. He has also filed certain documents. I shall refer them hereinafter at appropriate places.

AS TO ISSUE NO. 1 AND 2 :-

10) Both these issues are interlinked with each other, hence, taken together for consideration. The claimant is coming with the case that, the compensation awarded by the S.L.A.O. is inadequate and he is entitled for the enhanced compensation. Hence, burden lies upon the claimant to prove his case.

11) According to claimant, he was owner and possessor of his land. In the Award(Exh.33) it is mentioned that his title is verified from the revenue record as well as by local inquiry. The 7/12 extract of the acquired land (Exh.36) corroborate the said facts. In these circumstances, there is no reason to discard the say of the claimant that he

is the interested person of the acquired land.

12) According to the claimant, the compensation awarded by the SLAO is inadequate. Hence, he has sought to determine the compensation on the date of publication of notification under section 4 of the Act i.e. 19/08/2009.

13) The learned counsel for the claimant has submitted that the compensation awarded by the S.L.A.O. is without adverting to the provision of section 23 of the Act. He has not considered the nature, fertility, potentiality of the land, sale transactions taken place prior to the notification though the same were available. Therefore the compensation granted is inadequate.

14) Before deciding whether the compensation awarded by the S.L.A.O. is inadequate or not, it is necessary to decide the nature of the land. Because the claimant has disputed the nature of the land. For that purpose, the claimant has reiterated the contents of the reference. He has categorically submitted the nature of the acquired land as irrigated/bagayat.

15) The Award shows that acquired land is shown as Jirayat/non-irrigated land. However the claimant has claimed the acquired land to be of irrigated/bagayat in nature. The claimant has filed 7/12 extracts at Exh.36, 39 and Exh.40. It clearly shows that the acquired land was having source of irrigation i.e Well with motor pump. The

crops like Cotton, Toor, Soyabean and Sugar-cane are frequently taken. Therefore, from the entries of the 7/12 extracts it is proved that the acquired land is having source of irrigation and irrigated crop such as, Sugar-cane and other irrigated crops are taken from it. For the aforesaid facts and circumstances, I come to the conclusion that the acquired land of the claimant was irrigated land.

16) The claimant in his reference and in his examination in chief on affidavit contended that the land was of high potentiality. He further contended that, on the date of notification, the prevailing market value for the land in the vicinity was Rs.12,50,000/-per hectare. In support to this he relied on following sale instances.

17) Sale-deed (Exh.38) bearing No.1834/2006 dated 30.12.2006. It shows that, one Anantrao Aapparao Devsarkar sold 01H.22 R land out of survey No.502, situated at village Chatari, Tq. Umarkhed to Amrutrao Anandrao Patil for the consideration of Rs.6,00,000/-.

18) Sale-deed (Exh.41) bearing No.338/2004 dated 25.02.2004. It shows that, one Pandurang Kashiba Diwse sold 01H.31R land out of survey No.19/2-C situated at village Kopra (Bk) to Sau.Maltibai Krushnarao Devsarkar for the consideration of Rs.2,32,000/-.

19) Sale-deed (Exh.46) bearing No.336/2004 dated 25.02.2004. It shows that, one Ramchandra Kashiba Diwse

sold 01H.31R land out of survey No.19/2-B situated at village Kopra (Bk) to Sau.Maltibai Krushnarao Devsarkar for the consideration of Rs.2,50,000/-.

20) The claimant also relied on judgment in L.A.R. No.127/2012 dated 08/09/2023. This judgment is in respect of land acquired in LAC No.27/47/2006-2007 of village Kopra. In this judgment this court has discussed sale-deed(Exh.41) and fixed the market value of irrigated land at the rate of Rs.2,94,213/- per hectare. The acquired land in the present case and in the above judgment are from the same village Kopra. Therefore the award in above judgment is identical in the present case.

21) In case of **Bayaji Tatya Kalunge Vs. State of Maharashtra 2007(2)All MR 316**, the Hon'ble Bombay High Court observed that the lands situated in the same village if acquired for the same project in the same acquisition proceeding, that case on the ground of parity, price determined by the Court previously shall take into consideration.

22) Acquired land in present case and in judgment Supra are from the same village Kopra. Hence considering the above ratio, on the ground of parity, considering the fact that the acquired land is acquired for the same project of same village, therefore, it would be just and proper to take into consideration the judgment Supra.

23) In the judgment supra the market value is fixed for irrigated land. I have already held that the acquired land of the claimant is of irrigated land in nature. Accordingly, the claimant is also entitled @ Rs.2,94,213/- per hectare for his acquired land. Respondent No.3 granted market value @ Rs.1,64,000/- per hectare for the acquired land which is obviously inadequate as such the claimant is entitled to get enhanced compensation for the acquired land along with all statutory benefits. Hence, I answer issue No.1 and 2 in the affirmative.

AS TO ISSUE NO. 03 :-

24) From the findings supra, claimant is certainly entitled to receive the enhanced compensation for his acquired land supra, but not at the rate he has claimed for. Therefore, this petition deserves to be partly allowed.

25) The claimant has claimed enhancement of value of 02 mango trees at the rate of Rs.50,000/- per tree. However, the claimant has not adduced any evidence regarding growth, height, spread, age, fruit production capacity etc. of the above trees. In the absence of such necessary particulars it is not possible to determine value of trees. Hence, the claimant is not deserved of the value of above trees as claimed.

26) Section 23(2) of the Act provides for the grant of solatium and I do not find any reason for not granting it

to claimant. Therefore, in addition to enhanced compensation, claimant is entitled to 30% amount as a solatium on the amount of compensation. Similarly, section 23(1-A) of the Act provides for the grant of an amount at the rate of 12 % per annum on the market value from the date of notification under section 04 of the Act till the date of passing of award or the date of taking of possession of the acquired land, whichever is earlier. Claimant is entitled to this amount as well.

27) Section 28 of the Act provides that when the amount of compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of 09% per annum from the time of so taking possession to the date of payment of such excess into Court. Its proviso says that, if the amount is not paid or deposited within a period of one year from the date which the possession is taken, the interest at the rate of 15% per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry. Hence, as per this proviso, claimants are entitled to the interest at the rate of 9% per annum for one year from the time of taking of possession and after the expiry of said period of one year, claimants are entitled to interest at the rate of 15% per annum till actual realization of the entire amount.

28) As per ratio laid down in **State of Maharashtra Vs. Chandrakant Mangilal Samdadia reported in 2013 (1) Mh.L.J. 397**, interest under section 28 of the Act is payable on the excess amount granted by the Reference Court under all the three components of compensation i.e. market value under section 23(1), solatium under section 23 (2) and interest under section 23(1-A) of the Act.

29) General rule is that, the victorious party receives the costs from loosing party. Claimants are entitled to enhanced compensation, but not at the rate claimed by him. Therefore, cost must be awarded to claimant, but it must be in proportion to the enhancement. Finally, I answer last issue as reference petition is partly allowed with proportionate costs and pass the following final order;

ORDER

1)	Reference application is partly allowed with proportionate costs.
2)	The respondents do pay to the claimant enhanced compensation for 00H.07.93R out of survey No.27/2 situated at Kopra(Bk), Tal. Umarkhed, Dist. Yavatmal at the rate of Rs.2,94,213/- (Rupees Two Lakhs Ninety Four Thousand Two Hundred Thirteen Only) per hecter, on the last date of publication of notification under section 04 of The Land Acquisition Act, 1894 (i.e. 19/08/2009).

3)	Respondent further do pay solatium at the rate of 30% on aforesaid enhanced market value of the acquired land to the claimant vide Section 23(2) of The Land Acquisition Act, 1894.
4)	On the amount of market value of the acquired land, solatium and an amount @12% under section 23(1-A) of The Land Acquisition Act, 1894, the claimant is entitled for the interest at the rate of 9% per annum for one year from the time of taking possession and interest at the rate of 15% per annum from the date of expiry of the said period of one year till actual realization of the entire amount.
5)	Amount awarded by respondents as per award to claimant shall be deducted while making above calculations.
6)	The claimant do pay requisite court fees, if any.
7)	Award be prepared accordingly.

Umarkhed

Dated : 12/03/2026.

(Hemant S. Bhure)

Civil Judge Senior Division,
Umarkhed.

CERTIFICATE

I affirm that, the contents of this PDF file Judgment are same, word to word as per the original judgment.

Name of the Stenographer	:-	R. R. Warankar, Gr.II
Name of the Court	:-	Civil Judge(Sr.Dn.) Court, Umarkhed
Judgment date	:-	12/03/2026
Judgment signed by the Presiding Officer on	:-	12/03/2026
Judgment uploaded on	:-	12/03/2026