

MHYA240000012016

(1)

L.A.R.No.194/2016

MHYA240000012016



Received on : 04/03/2016

Registered on : 04/03/2016

Decided on : 22/07/2026

Duration : Y: M: D.

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IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, WANI.

(Presided over by: Shri P. S. Jondhale)

Land Acquisition Reference No.194/2016.

Exh.No.39

APPLICANT :

Tanebai Namdeo Thaori

Aged about 50 years, Occ- Agriculturist

R/o. Mohda, Tq.Wani, Dist. Yavatmal.

-Versus-

RESPONDENTS :

1) The State of Maharashtra

through Collector, Yavatmal.

Dist. Yavatmal.

2) Special Land Acquisition Officer,

Minor Irrigation Works No.II,

Yavatmal, Tq. & Dist. Yavatmal.

3) The Executive Engineer,

Public Works Division, Pandharkavda

Tq. Kelapur & Dist. Yavatmal.

**CLAIM: REFERENCE U/S 18 (1) OF THE LAND ACQUISITION
ACT, 1894 FOR ENHANCEMENT OF COMPENSATION etc.**

APPEARANCE:

Mr. O.R.Deshpande, Advocate for the applicant.

Mr. R. D. More, A. G. P. for the respondents.

J U D G M E N T

(Delivered on 22/07/2026)

1) This is reference claim for enhancement of compensation under section 18 of the Land Acquisition Act, 1894 as applicant being dissatisfied with the award of Special Land Acquisition Officer ('L.A.O.' in short) in L.A.C. No.22/47/1996-97 of village Krushnapur, Tq.Wani, Dist.Yavatmal.

Applicants' case:**The brief facts mentioned in the reference are as under:**

2) The applicant was the owner of the agricultural land Gat No.100 at village Krushnapur, Tq. Wani, Dist. Yavatmal. Out of said land an area admeasuring 0.44 Acres was acquired for the purpose of construction of Krushnapur to Velabai-Mohada Road. (here-in-after referred as '**acquired land**' in short).

3) The details of the acquired land are given in the tabular form as follows.

1)	Property description of Land acquired	Gat No.100
2)	Area acquired	0H 44R
3)	Rate of awarded compensation per hectare	34,650
4)	Granted Compensation for the acquired area	15,246
5)	Total Compensation awarded	24,089/-
6)	Compensation claimed	1,00,000/- per hectare. 12% additional component. 30% solatium, and interest as per section 28 of L.A.Act.
7)	Total Value of the Land as per claim rate	.44HR X 1,00,000 = 44,000
8)	Due Amount (Claimed compensation - Granted compensation)	44,000 - 15246 = 28,754

4) Applicant further pleads that, the notification under section 4 was published in Government Gazette on 09/07/1998

and in daily newspaper i.e. “Dainak Hunter” and “Namo Maharashtra” both dated 17/06/1998 and 19/06/1998. Moreover, notification under section 6 of the Land Acquisition Act was also published in the Gazette of Maharashtra on 05/08/1999 and also in the local news paper “Dainik Namo Maharashtra” dated 21/07/1999.

5) Applicant further pleads that, she has received notice under section 9(1) & (2) of the Land Acquisition Act. Thereafter, she submitted her objections and claims before respondent no.2 on various grounds and the claims and objections were not at all considered by the respondent no.2, as provided in the law. While, determining the amount of compensation, the Collector shall be guided by the provisions contained in the sections 22 and 24 and other relevant provisions of the Land Acquisition Act, 1894 subject to the modifications. Despite these provisions, respondent no.2 did not call the applicant at any time and no proper opportunity was awarded to her to file the documents or to adduce any evidence. Therefore, applicant has replied the notice and raised her claim and demanded Rs.50,000/- per acre i.e. Rs.1,25,000/- per hectare.

6) Applicant further pleads that, the acquired land is situated in Wani Taluka and at a distance of 15 k.m. from Wani Tahsil and village Kayar is 5 k.m. from Patharpur. Moreover, Tahsil Wani has all the facilities such as S.T.Bus Service, hospital, coal mines, banks, electricity, primary school, colleges and big market place and the acquired land is adjacent to the village Krushnapur.

7) Applicant further pleads that, the award is passed on 11/04/2001 and it was communicated under section 12(2) of the Land Acquisition Act and the applicant came to know about the same on 07/07/2001. However, the said award passed by respondent no.2 is in the stereotype and without considering all the aforesaid contentions of the applicant, granted a total compensation of Rs.24,089/- for acquired land. Moreover, respondent no.2 has awarded an amount of Rs.15,246/- as cost of the acquired land and Rs.4,574/- to the applicant towards 30% under section 23(2) of the Land Acquisition Act and 12% as special components at Rs.4,269/-. However, applicant has received the amount of compensation awarded by the respondent no.2 under protest. The awarded compensation break-up is as follows;

Awarded Rate	Awarded Amount for Land	30% Solatium compensation	12% Component	Total Amount Awarded
Rs.34,650 per hectare	Rs.15,246 for .44R	Rs.4,574	Rs.4,269	Rs.24,089

8) Applicant further pleads that, the Land Acquisition Officer has valued the acquired land at the rate of Rs.34,650/- per hectare which is a very much meager amount and it is totally illegal and thus being dissatisfied with the said amount and valuation, applicant filed this reference.

Grounds of Reference

9) Applicant pleads that, the respondent no.2 has passed

the award without applying his mind in cyclostyled form and has not calculated the valuation of the acquired land properly and not considered the importance of land. Moreover, for deciding the market value of any land, the situation of the same is most important. The acquired land is situated in Wani Tahsil and the land is at distance of 15 k.m. from Wani and in Wani Tahsil place having all amenities i.e. educational facilities, market place, the big agricultural produce market and colleges etc. However, respondent no.2 wrongly valued the acquired land with the help of ready recknor which itself is incorrect and such valuation has been held by many of the superior courts as illegal. However, respondent no.2 has not given any reason as to why he has rejected the sale at higher side about which the information was with him.

10) Applicant further pleads that, the respondent no.2 has erred in assessing the value of the acquired land without considering the facts and factors for determination of the value of the land prevailing at that time in that area at village Krushnapur. Moreover, the material fact has got to be judged and found out as to what was the real market value of the lands, such as, a willing purchaser pays to the willing seller for the land or property having due regards to its existing consideration and advantages and potentiality as agricultural land. Therefore, the valuation of acquired land fixed by the respondent no.2 is not present valuation of the acquired land.

11) Applicant further pleads that, the people are showing sale instances at a lower side to avoid payment of stamp duty

and the same can not give proper data regarding the valuation of the land. Moreover, the grouping of the lands on the basis of the land revenue which was fixed 100 years back is also illegal. Moreover, by way of soil conversion measures and by way of adding organic manure, applicant regularly developed her land to very great extent and the texture and structure of the land has been very much improved. Moreover, the acquired land is originally fertile and the fertility of the same has also been increased by the applicant by taking above mentioned measures. Moreover, the applicant was sowing the crop of Udid, Mung, Jowar, Cotton and was getting Rs.10,000/- net profit per acre per year and therefore the applicant was getting bumper crop as mentioned above and if this basis is accepted for valuation as 15 years multiplier brings the value of the land at the rate of Rs.1,50,000/- per acre.

12) Applicant further pleads that, the respondent no.2 has not considered the sale instances in the vicinity and effect on rising prices of the lands in the vicinity. Looking to all these factors amongst others, the acquired land at any rate ought to have fetched market value at least Rs.40,000/- per acre i.e. Rs.1,00,000/- per hectare. Moreover, respondent no.2 has also erred in not holding the inquiry in accordance with the provisions of law and rules while determining the real market value of the acquired land. Therefore, the findings given by the respondent no.2 regarding determination of the value of the acquired land are not at all satisfactory and not worth to be considered.

13) Applicant further pleads that, respondent no.2 has granted compensation which is too low, inadequate and negligible and therefore applicant has not accepted the said award and applied to receive the compensation under protest and challenged the same by filing this reference petition on the above grounds.

14) Applicant further pleads that, the cause of action for filing this reference arose on 11/04/2001, when the award was passed by the respondent no.2 and the same was intimated or communicated to the applicant by a notice under section 12(2) of the Land Acquisition Act which was received on 07/07/2001 and the cause of action arose at Krushnapur, Tq.Wani, Dist.Yavatmal. After communication of the award, the instant reference is filed within the period of prescribed limitation and therefore applicant assails the award on the above mentioned grounds.

15) Thus, applicant prays for the acquired land of 0.44 H.R. at the rate of Rs.1,00,000/- per hectare, and 30% solatium, 12% Special components, 9% interest for first year and 15% till its realization and also other benefits under section 23(2) of the Land Acquisition Act and other statutory provisions. Hence, the reference claim.

Respondents case:

The brief facts mentioned in the Written Statement at Exh.24 of the respondents are as under:

16) The respondent no.1 is the State of Maharashtra

through Collector, Yavatmal and respondent no.2 is Special Land Acquisition Officer, whereas respondent no.3 Executive Engineer PWD, Pandharkavda.

17) These respondents have resisted this reference by their written statement Exh.24 and denied the legality of reference application and contended that, petitioner must prove that, the reference petition is filed within six weeks and duly stamped and that, she received the grant compensation under protest. Moreover, Civil Court on a reference is bound to satisfy itself that, the reference made by the Collector complies with the conditions specified so as to give court jurisdiction to hear the reference i.e. I) There has been written application by person interested who has not accepted award II) The nature of petition is such which can be taken into consideration under section 18 of the Act and III) The application is within limitation as prescribed by law.

18) Respondents further contended and denied the allegations of applicant regarding various reason for enhancement of compensation. However, contended that, applicant should prove the alleged reasons to the satisfaction of the court.

19) Respondents further contended that, the person interested in land on receiving the notice under section 9(I) must claim before the Land Acquisition Officer and Specific amount and also state particulars of his claim compensation 23(I) first to sixthly of the Land Acquisition Act and the claims which are not specifically made by the interested person in above manner

before the Land Acquisition Officer and made for the first time in the reference petition can not be entertained by this court and they are denied totally and liable to be rejected.

20) Respondents further denied the contention of the applicant that, the L.A.O. has not considered the relevant factors laid down in section 23 of the Land Acquisition Act and contention of incorrect valuation of other acquired object along with land i.e. valuable trees, house property and other construction and improvements and the procedure followed by the L.A.C for assessment of compensation and the amount of compensation.

21) Respondents further contended that, the L.A.O has given all the opportunities to the applicant to substantiate her claim and the L.A.O. has rightly considered all the aspect laid down in L.A. Act for determination of compensation and the L.A.O. has rightly considered the sale instances of neighboring lands of the same quality and assessment. Moreover, the L.A.O. has rightly rejected the sale transactions which do not reflect or assist to determine the real market value of the acquired land or of the similarly situated land. Moreover, the award passed by the L.A.O. is based on sound reasoning after appreciating the material placed on record and the L.A.O. has rightly determined the compensation for the objects acquired after considering the evidence on record and the valuation of the expert and the award passed by the L.A.O. and the compensation awarded to the applicants being adequate and proper and deserves no interference and reference be rejected with cost.

ISSUES

22) My Ld. Predecessor has framed three issues below Exh.25, those pertain to proof of entitlement for enhanced compensation and limitation etc.

Applicants' oral and documentary evidence.

23) To substantiate the reference claim, the applicant namely **Tanebai Namdeorao Thaori** has examined herself as **A.W.1 vide Exh.12** and she has reiterated his contentions on oath and testified about details of the acquisition proceeding, potentiality of the land and its significance of location and crop yield and as per her testimony following documents have been exhibited as **Exh.16 to 20** which are as follows :-

Sr. No.	Name of the documents	Exh. No.
1)	Original copy of notice under section 12(2) of L.A.Act dated 30/06/2001.	16
2)	Copy of the application for withdrawing money after registering an objection.	17
3)	certified copy of Map of Village Krushnapur.	18
4)	certified copy of 7/12 extract of the gat No.100.	19
5)	Certified copy of award of L.A.C. No.22/47/1996-97 dated 11/04/2001.	20

24) A.W. 1 was cross examined by respondents and thereafter, the applicant closed her evidence by filing pursis at Exh.35. However, at the time of argument, the counsel of the applicant has filed online copy of the judgment passed in L.A.R.No.193/2016 dated 08/04/2022 vide Exh.38 list.

No evidence by Respondents.

25) The respondent nos.1 to 3 have neither examined witness nor placed on record documentary evidence. Respondent Nos. 1 to 3 have filed their evidence close pursis at Exh.36.

26) Heard learned counsels of applicant and respondents. I have perused entire record.

27) On consideration of it, I record my findings with the reasons for the framed issues vide Exh.25 which are reproduced here below.

Sr. No.	ISSUES	FINDINGS
1)	Whether the reference is within limitation ?	Affirmative
2)	Whether the applicant is entitled for enhanced compensation ? If yes, to what extent ?	Partly Affirmative as per operative order
3)	What relief and order ?	As per final order

ADMITTED FACTS

28) Parties admit acquisition of land and passage of the award at the rate of Rs.34,650/- per hectare on 11/04/2001 and as per the award, the applicant accepted the amount under protest.

REASONS**AS TO ISSUE Nos.1 to 3 :-**

29) All these issues are discussed together for the sake of

brevity.

30) As noted above, the award has been assailed for grant of inadequate compensation and other grounds as detailed in the application. However, respondents question the tenability of the reference for being time barred. Moreover, there is specific issue regarding limitation i.e. issue no.1.

31) Proviso of Section 18(2) of the L.A. Act speaks that every reference application shall be made;

“(a) if the person making it was present or represented before the Collector, at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.”

32) It has come in the evidence of A.W.-1 namely Tanebai Namdeo Thaori vide Exh.12 that, the respondent no.2 has declared the award on 11/04/2001 and the notice under section 12(2) of the L.A. Act was served to the applicant on 07/07/2001 and applicant was called for receiving the compensation amount. Accordingly, the applicant came to know about the contents of award on 07/07/2001. The applicant has accepted the amount of compensation under protest.

33) It is pertinent to note that, the notice u/s.12(2) and objection application of the applicant have been filed vide Exh.16 and 17 and perusal of notice u/s.12(2) Exh.16 reveals that it was issued on 30/06/2001 and the applicant was asked to be present on 13/07/2001 and perusal of Exh.17 reveals that, applicant

filed protest petition and application for withdrawing the amount and it is dated 13/07/2001.

34) Moreover, perusal of the Exh.01 reveals that the reference has been filed on 14/08/2001, which is also evident from Exh.01 which includes statement of award under section 11 and conditional order of registration of reference due to non payment of court fees and thereafter applicant affixed court fees. Hence, it is manifest from the above that their reference is within limitation. i.e. within 5 weeks and therefore, it is held that reference has been filed within limitation.

35) It is settled position of the law that there are four settled methods for calculation of market value of the acquired land; no.1) Income capitalization method. 2) Soil expert report. 3) Proximate land sale instances of adjacent and nearby property and 4) Guess work about the probable income may also be used.

36) Moreover, it has come in the evidence of A.W.-1 that, the applicant was owner of the agricultural land Gat No.100 admeasuring 0H 44R at village Krushnapur, Tq. Wani, Dist. Yavatmal and the land was acquired for the purpose of the constructions of Krushnapur to Velabai-Mohada Road and respondent no.2 declared award on 11/04/2001 and the L.A.O. awarded the compensation at the rate of Rs.34,650/- per hectare on the basis of wrong ready recknor and without following due process of law and without considering cropping pattern its potentiality, actual income and prices of the agricultural land in adjoining villages, moreover, she would take bumper crops and

would get net income of Rs.1,50,000/- per acre as per 15 year multiplier and 7/12 extract has been filed to prove lands fertility and quality.

37) A.W.1 further testified that, the land was situated near Wani and it is 15 km from Wani and 5 km from village Kayar and there are many civic amenities in Wani Tahsil such as ST Bus services, hospitals, coal-mines, banks, primary school and colleges and Wani is a big market place and therefore, rate of agricultural lands in the village are high but respondent no.2 did not consider all these factors and granted low rate.

38) A.W.-1 further testified that, the respondent no.2 has passed the award without applying his mind in cyclostyled form and has not calculated the valuation of the acquired land properly and not considered the importance of land. Moreover, respondent no.2 has not given any reason as to why he has rejected the sale at higher side about which the information was with him.

39) A.W.-1 further testified that, the respondent no.2 has erred in assessing the value of the acquired land without considering the facts and factors for determination of the value of the land prevailing at that time in that area at village Krushnapur. Moreover, the material fact has got to be judged and found out as to what was the real market value of the lands, such as a willing purchaser pays to the willing seller for the land or property having due regards to its existing consideration and advantages and potentiality as agricultural land.

40) A.W.-1 further testified that, the people are showing sale instances at a lower side to avoid payment of stamp duty and the same can not give proper data regarding the valuation of the land and the grouping of the lands on the basis of the land revenue which was fixed 100 years back is also illegal. Moreover, by way of soil conversion measures and by way of adding organic manure regularly developed her land to very great extent and the texture and structure of the land has been very much improved. Moreover, the acquired land is originally fertile and the fertility of the same has also been increased by the applicant by taking above mentioned measures. Moreover, the applicant was sowing the crop of Udid, Mung, Jowar, Cotton and was getting Rs.10,000/- net profit per acre per year and therefore the applicant was getting bumper crop as mentioned above and if this basis is accepted for valuation a 15 years multiplier brings the value of the land at the rate of Rs.1,50,000/- per acre.

41) A.W.-1 further testified that, the respondent no.2 has not considered the sale instances in the vicinity and effect on rising prices of the lands in the vicinity. Looking to all these factors amongst others, the acquired land at any rate ought to have fetched market value at least Rs.40,000/- per acre i.e. Rs.1,00,000/- per hectare and respondent no.2 has also erred in not holding the inquiry in accordance with the provisions of law and rules while determining the real market value of the acquired land and the findings given by the respondent no.2 regarding determination of the value of the acquired land are not at all satisfactory and not worth to be considered.

42) A.W.-1 further testified that, respondent no.2 has granted compensation which is too low, inadequate and negligible and therefore applicant has not accepted the said award and apply to receive the compensation under protest and challenge the same by filing this reference petition on the above grounds.

43) The A.W.1 was cross examined by respondent nos.1 to 3 in which she has testified that, she has not filed documents of sale of crops and filed evidence of crop yield by 7/12 Extract and there may have been sale instances of sale of agricultural land in their village in the year 1998. However, she has not filed copy of any sale deed.

44) Moreover, A.W.1 further testified that, they did not get assessed their valuation of their land from Deputy Registrar Office and they also did not get soil tested by soil expert of their land and denied the suggestion of grant of fair compensation.

45) The oral evidence of the A.W.1 reveals that she was owner of the land and she cultivated it and her inability to answer to questions does not imply unreliability of her evidence. Moreover, she is a woman who hails from rural background.

46) Moreover, the documentary evidence reveals that, applicant's land has been acquired and acquisition proceeding took place and award has been passed. Moreover, the village Krushnapur is approximately 30 km away from Wani Taluka which has rich source of coal and other minerals and therefore, the acquired land had potentiality and it has some proximity with

the taluka place i.e. Wani.

47) At the outset, while deciding reference under L.A. Act, help can be taken from the Judgments of the Hon'ble Supreme Court in the case of **Ramanlal Devchand Shah ..Vs.. State of Maharashtra** reported in AIR 2013 SC 3452 and **Chimanlal Hargovindas ..Vs.. Spl. Land Acquisition Officer,** reported in (1988)3 SCC 751, wherein it is observed that,

1) A reference under section 18 of the Land acquisition Act is not an appeal against the award and the Court cannot take into account the material relied upon by the Land Acquisition Officer in his award unless the same material is produced and proved before the Court.

2) So also the award of the Land Acquisition Officer is not to be treated as a judgment of the trial Court open or exposed to challenge before the Court hearing the reference. It is merely an offer made by the land acquisition officer and the material utilized by him for making his valuation cannot be utilized by the Court unless produced and proved before it. It is not the function of the Court to sit in appeal against the award, approve or disapprove its reasoning, or correct its error or affirm, modify or reverse the conclusion reached by the land acquisition officer, as if it were an appellate Court.

3) The Court has to treat the reference as an original proceeding before it and determine the market value afresh of the basis of the material produced before it.

4) The claimant is in the position of a plaintiff who has to show that the price offered for his land in the award is inadequate on the basis of the materials produced in Court. Of course the materials placed and proved by the other side can also be taken into account for this purpose.

48) In order to buttress the oral evidence and pleadings of the applicant, applicant has adduced following documentary evidence;

Sr. No.	Name of the documents	Exh. No.
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1)	Original copy of notice under section 12(2) of L.A.Act dated 30/06/2001.	16
2)	Copy of the application for withdrawing money after registering an objection.	17
3)	certified copy of Map of Village Krushnapur.	18
4)	certified copy of 7/12 extract of the gat No.100.	19
5)	Certified copy of award of L.A.C. No.22/47/1996-97 dated 11/04/2001.	20
6)	online copy of the judgment passed in L.A.R.No.193/2016 dated 08/04/2022.	38 List

49) The respondents have questioned the witness about on documentary evidence of crop yield income however, the applicant has filed Exh.19 i.e. certified copy of 7/12 extract of Gat No.100 from the year 1989-2005, perusal of which it reveals that there are entries of taking crop of Cotton and Tur etc. Therefore, there is substantial consistency between oral testimony of A.W.1 and the documentary proof by the applicant although it is not direct to proof of crop yield income but these documents also reveals that the acquired land was fertile.

50) Although applicant has claimed she would earn Rs.1,00,000/- profit per hectare. However, there are no receipts of APMC etc. about sale of the crop. Moreover, there are no any written noting of the expenses and profits.

51) Moreover, there is village map of Krushnapur on record vide Exh.18 to show near proximity of the acquired land i.e. Gat no.100 to the acquired land in the cited judgment of Gat no.74. Moreover, those lands are in close proximity.

52) Moreover, there is no any examination of soil by expert in order to prove the high yielding capacity of the soil. However, as noted above there is oral evidence about crop yield which is supported by 7/12 extract.

53) However, there is no any sale instance in order to prove that similar type of land in that vicinity, was sold for claimed amount.

54) The applicant has heavily relied on instance of other land acquisition reference judgment of the same village and of the same notification to support her claim.

55) Exh.38 list which is online copy of judgment in L.A.C. No.193/2016 regarding the land which was acquired by same notification and it is dated 08/04/2022 and perusal of this judgment reveals that, the land acquired was of the same village i.e. Krushnapur and it was same L.A.C. proceeding i.e. 22/47/1996-97 and it was for the same purpose. Moreover, notifications were same as well as the award was passed in that case on same date on 11/04/2001 and in both the cases acquired land is dry land and there was also no direct proof of crop yield income. However, there was evidence about crop yield by way of 7/12 extract. Moreover, in this case the rate of the acquired land has been held as Rs.90,000/- per hectare.

56) It is settled position of the law that comparable base for determining the compensation similar land of same village of same potential, when lands are situated in same village and acquired for same purpose under same notification then

claimants are entitled compensation at the same rate on ground of parity.

57) Moreover, as noted above, Exh.38 list is the instance whereby the land acquired of the same village have been determined at the rate of Rs.90,000/- per hectare as market rate and therefore, applicant is also entitled for same rate compensation on the ground of parity and due to similar facts situation. Moreover, she is also entitled for that rate due to evidence of positive factors and potentiality of the acquired land.

58) Moreover, it has been argued by the counsel of the applicant that, applicant is also entitled for enhanced rate due to severance as part of property has been acquired and it has affected remaining part and argued that, the adduced 7/12 Extract of the acquired land which is at Exh.19 reveals that, total land was 1.42 HR and only .44HR was acquired.

59) To support this aspect the learned counsel has relied on following two case laws;

1) ***Government Vs. The Century Spinning & anr (1942) 44 BOMLR 57***

2) ***Dr.Caetano Jose Filomeno Jacinto De Loiola Pereira Vs. Deputy Collector, South Division & Ors. 2005(1) ALL MR 797***

60) In these cases, the Hon'ble Bombay High Court interalia held entitlement of the party for enhanced rate due to severance and adverse effect.

61) However, in the pleading as well as in the evidence,

there is no any whisper about how was applicant affected due to purported severance. Hence, there is no iota of evidence to imply severance. Hence, applicant may not seek enhanced amount on that count.

62) Hence, in view of discussion made in foregoing paras, it is held that, the applicant is entitled to have compensation at the same rate of Rs.90,000/- per hectare. Resultantly, it is held that, the compensation determined and awarded as per award by respondents is inadequate. Therefore, the applicant is entitled for enhanced compensation of Rs.90,000/- per hectare.

63) Hence, in view of the findings recorded above, it is held that the applicant is also entitled to an amount calculated @ 12% p.a. as additional component, on the enhanced market value of the land for the period commencing from date of publication of notification under section 4(1) of the L.A.Act to the date of award, as per section 23(1-A) of the L.A. Act. The applicant is also entitled for the 30% solatium as per section 23(2) of the L.A. Act.

64) Moreover, the applicant is also entitled to interest on the excess sum @ 9% p.a. from the date of award for the period of one year and @ 15% p.a. till the payment is made as per section 28 of the L.A. Act.

65) Therefore, in view of the reasons noted above, I answer issue no.1 in affirmative, issue no.2 in partly affirmative as per operative order and in answer to issue no.3, I proceed to pass final following order;

ORDER

- 1) The Reference is partly allowed with proportionate costs.
- 2) The respondents do pay to the applicant an enhanced amount of compensation in respect of acquired land i.e. Gat No.100 admeasuring 0H 44R at village Krushnapur, Tq. Wani, Dist. Yavatmal @ Rs.90,000/- (Rs. Ninety Thousand only) per hectare.
- 3) The respondents do pay to the applicant an amount calculated @ 12% per annum on adjudged compensation amount from the date of publication of Notification in Government Gazette under Section 4 (1) of the Act till the date of Award as additional component under Section 23(1A) of the Land Acquisition Act, 1894.
- 4) The respondents do pay to the applicant solatium of 30% on the adjudged amount of compensation as per Section 23(2) of the Land Acquisition Act, 1894.
- 5) The respondents do pay interest to the applicant, on the enhanced compensation, @ 9% per annum from the date of Award for the first year and thereafter @ 15% per annum till the realization of entire amount vide Section 28 of the Land Acquisition Act, 1894.
- 6) The amount of compensation already paid, be deducted from the enhanced value.
- 7) Award be drawn, accordingly.

Date:-22/07/2026.

(P. S. Jondhale)
Civil Judge (Sr.Dn.),
Wani.