CNR NO.MHJG050019652012

Received on :- 25/04/2012

Registered on :- 26/04/2012

Decided on :- 23/07/2025

Duration :- Ys. Ms. Ds.

13 - 02 - 28

IN THE COURT OF 4TH JOINT CIVIL JUDGE SENIOR DIVISION, JALGAON, AT JALGAON.

(Presided over by Sharad S. Pardeshi)

LAND ACQUISITION REFERENCE NO. 217 OF 2012

EXH. NO. 66.

Gulab Devaji Koli - **Dead**)

Through his legal representatives)

1A) Aashabai Gulab Koli)

Age- 54 yrs., Occu.:- Housework,)

1B) Nagesh Gulab Suryawanshi (Koli))

Age- 38 yrs., Occu.:- Service,)

Both R/at. Nagardeola, Tal. Pachora,)

Dist. Jalgaon.)

1C) Rakesh Gulab Suryw anshi (Koli))

Age- 34 yrs., Occu.:- Agri.,)

R/at. Gandharva Vihar, Dehugaon,)

Gatha Temple, Elwadi, Tal. & Dist. Pune.)

1D) Seema Walmik Mare)

Age- 40 yrs., Occu.:- Housework,)

R/at. 171, Ramwadi, Narvan, Ratnagiri,)

Tal. & Dist. Ratnagiri.)

1E) Sarika Kiran Zodge)

Age- 30 yrs., Occu.:- Housework,)

R/at. Patonda, Tal. Chalisgaon,)

	Dist. Jalgaon.	)	
2)	Arun Devaji Koli	)	
	Age- 48 yrs., Occu.:- Agri.,	)	
3)	Vishram Devaji Koli	)	
	Age- 40 yrs., Occu.:- Agri.,	)	
4)	Pundalik Devaji Koli	)	
	Age- 30 yrs., Occu.:- Agri.,	)	
5)	Alka Gambhir Zodge	)	
	Age- 50 yrs., Occu.:- Agri.,	)	
6)	Aasha Abhimanya Birhade	)	
	Age- 33 yrs., Occu.:- Agri.,	)	
7)	Leelabai Devaji Koli - **Dead**	)	
8)	Vishwanath @ Vishnu Devaji Koli	)	
	Age- 35 yrs., Occu.:- Agri.,	)	
	No.2 to 8, R/at. Nagardeola,	)	
	Tal. Pachora, Dist. Jalgaon.	)	**CLAIMANTS/**
	POA of himself & Claimant No.1 to 7.	)	**PETITIONERS**

Versus

1)	The Collector, Jalgaon	)	
	Through The Special Land Acquisition	)	
	Officer-3, U.T.P.(H), Jalgaon.	)	
2)	The Executive Engineer	)	
	M.S.E.B., Dhule.	)	**RESPONDENTS**

Mr. R. S. Rajput, Advocate for the claimant/petitioner.
Mr. S. G. Kabra, Advocate for Respondent No. 1.
Mr. S. G. Varma, Advocate for Respondent No. 2.

-: J U D G M E N T :-

(Delivered on 23/07/2025)

1) The claimants filed this reference petition for seeking enhancement of compensation under Section 18 of the Land

Acquisition Act, 1894 (hereinafter referred as the 'Act').

2) **The claimants' case lies in narrow compass as under:-**

The land bearing Block No. 300 admeasuring 00 Hectare 60 Aar situated at village Nagardeola, Tal. Pachora, Dist. Jalgaon is the subject matter of the dispute. It is hereinafter referred as **"the suit land"**.

3) The claimants are the owners & possessors of the suit land. The State of Maharashtra initiated the land acquisition proceeding bearing L.A.Q./S.R./7/04 for construction of 33/11 KV Sub-Station, M.S.E.B., Dhule through the Special Land Acquisition Officer (hereinafter referred as 'S.L.A.O.') and published its final notification on 08/02/2007 under Section 4 of the Act. The acquiring body took possession of the suit land on the date of payment. The S.L.A.O. passed the final award on 07/02/2010 & thereby acquired the suit land along-with other land.

4) According to the claimants, the compensation awarded by the S.L.A.O. is inadequate and improper in comparison with non agricultural potential of the suit land. The advantages in the suit land are not assessed. He was not taken into consideration the sale instances. The S.L.A.O. awarded compensation on the basis of ready reckoner rates. The award passed by the S.L.A.O. is against the facts, equity and evidence. The S.L.A.O. has also ignored prevailing market rates. The S.L.A.O. has ignored the factors which are required to be considered under Section 23 of the Act. The acquired land is having non agricultural potential. The claimants have sustained considerable damage by reason of acquisition of the suit land. The awarded compensation by the S.L.A.O. is therefore, meager and inadequate. They have prayed for compensation of Rs. 1,500/- per square meter. The claimants accepted the compensation under protest and filed this

reference for seeking enhancement of amount of compensation of the suit land.

5) In response to service of notice, Respondent Nos. 1 & 2 appeared before the Court and combated this reference by filing their written statement (at Exh. 8 & 10 respectively). The respondents denied that the S.L.A.O. granted meager compensation. They contended that while granting compensation, the S.L.A.O. has considered situation of the suit land and also taken into consideration other factors while fixing its market price on the date of notification under Section 4 of the Act. The S.L.A.O. classified the acquired land on the basis of their quality, assessment and other factors. The S.L.A.O. considered genuine sale instances which were comparable to the suit land. An award passed by the S.L.A.O. is supported by sound and cogent reasons. So the claim of the claimants are exorbitant, based on false and imaginary grounds. Lastly, Respondent Nos. 1 & 2 have prayed for dismissal of this reference application.

6) Considering the rival pleadings of the parties, the then Civil Judge framed issues at Exh. 11. I have recorded my findings with reasons as follows,

ISSUES		FINDINGS
1. Whether the claimant/s prove/s that he/they had raised protest while accepting the amount of compensation ?	:	In the affirmative.
2. Whether the claimant/s further prove/s that compensation awarded by the S.L.A.O. is inadequate ?	:	In the affirmative.
3. What was the market value of the acquired land on the date of notification under Section 4 of the Land Acquisition Act ?	:	Rs.13,66,120/- per hectare for the irrigated (Bagayat) land.

4. Are/is the claimant/s entitled for enhancement in compensation ? : In the affirmative, as per final order.

7) In order to substantiate this reference, Claimant No. 8 Vishwanath examined himself as CW 1 (at Exh. 27). The claimants closed their evidence by filing pursis (at Exh. 62). The respondents have not led any evidence. The respondents closed their evidence by filing pursis (at Exh. 44). The documentary evidence produced by rival parties on record will be discussed at appropriate places.

8) Heard the learned advocates for both sides.

-: R E A S O N S :-

AS TO ISSUE NO. 1 :-

9) It is argued on behalf of the claimants that they are the only interested persons for seeking enhancement of compensation. On perusal of an award (at Exh.44) as well as 7/12 extract of the suit land (at Exh.38), it can be gathered that it is owned and possessed by Gulab Devaji Koli. After his demise, his legal representatives i.e., the claimants brought on the record. Accordingly, they are the owners and possessors of the suit land. Nobody has raised objection about the right of the claimants in the suit land. This clearly shows that the claimants the only interested persons in this reference petition. This fact is not at all denied by the respondents.

10) It is vehemently argued on behalf of the respondents that the claimants accepted the compensation awarded by the S.L.A.O. without any protest. Therefore, the claimants are not entitled to claim enhancement of compensation. On the other hand, the learned Advocate for the claimants submitted that they accepted the compensation awarded by the S.L.A.O. under the protest and thereby they are entitled to get enhancement of compensation. The S.L.A.O. was not considered the documentary evidence placed on record by

the claimants in order to ascertain the market value of the suit land.

11) I have considered argument advanced by the learned Advocates for the rival parties. It must be borne in the mind that filing of reference petition itself is sufficient to accept his grievance. Claimant No. 8 Vishwanath also stated in his oral evidence that they accepted the compensation awarded by the S.L.A.O. under the protest. Upon relying the same, it is reasonable to infer that the claimants are having grievance in respect of the compensation awarded by the S.L.A.O. Accordingly, they filed this reference petition.

12) In order to buttresses my aforesaid observations, I would like rely upon the decision of ***Amol Rambhau Arjun Vrs. State of Maharashtra and Ors., 2000 (4) Bom.C.R. 715***, wherein Hon'ble Bombay High Court held that :

> "Proviso 2 to Section 31 bars the person who has received the amount other than under protest from making any application of reference under Section 18, the said provision does not lay down the mode & manner in which the protest is to be made while accepting the compensation. It does not say that the protest by the claimant must be necessarily in writing. The claimant may receive the amount of compensation under protest orally & the oral protest while receiving the compensation shall not disentitle the claimant from making any application for reference under Section 18 of the Act. The provision covers the protest either made in writing or orally. I am fortified in my view by the judgment of the Gujarat High Court in Robari Mahadev Amra v. Prant Officer, Radhanpur, wherein A. M. Ahmedi, J, (as he then was) in paragraph 4 of the report held thus:
>
> > " The short question which arises for consideration is whether the protest to be lodged under the second proviso to Section 31 (2) must be in writing or can be or oral one also. The proviso merely states that no person who has received the amount otherwise than under protest shall be entitled to

make any application under Section 18 of the Act. Even the first proviso which entitles a person admitted to be interested to receive the amount of compensation determined under the award under protest as to its sufficiency does not provide that the protest must be reduced to writing. There is nothing in the second proviso to Section 31 (2) that the person receiving the amount must receive the same under a written protest so as to be subsequently entitled to make a reference under Section 18 of the Act on the question of sufficiency of the amount awarded in respect of the acquired land."

13) In view of the ratio of authority cited supra, it is clear that section 31(2) of the Act does not provide for any specific mode of protest. Therefore, even oral protest to the award would suffice the purpose. It is come in the oral evidence of Claimant No. 8 Vishwanath that they accepted the compensation awarded by the S.L.A.O. under the protest. This fact is not denied by the respondents during his cross examination. Therefore, evidence of Claimant No. 8 Vishwanath that they raised protest while accepting the compensation awarded by the S.L.A.O., remain unchallenged. Therefore, I found there is no substance in the contention raised by the respondents that the present reference petition is not maintainable on the ground that the claimants accepted the compensation without any protest for the same. Hence, I have answered Issue No. 1 in the affirmative.

AS TO ISSUE NOS. 2 TO 4 :-

14) It is vehemently argued on behalf of the claimants that the S.L.A.O. has not considered the market price of the acquired suit land at the time of notification under Section 4 of the Act. The determination of the compensation by S.L.A.O. is not in accordance with the provisions of law & principles governing valuation of land &

assessment of compensation. The suit land is having N.A. potentiality. However, the S.L.A.O. has not considered the same as well as the documentary evidence placed on record by the claimants in order to ascertain the market price of the acquired suit land.

15) It is argued on behalf of the claimants that they were also taking the cash crops in the suit land. In order to substantiate their claim, they relied upon the entries made in the award (at Exh.44) as well as 7/12 extract of the suit land (at Exh. 38). There is entry of the Well in the suit land. The learned Advocate for the claimants also argued that mere non cultivation of cash crops like sugarcane will not render the land as non irrigated when there is availability of source of irrigation. In support of his argument, he relied on the decision in ***Chindha Fakira Patil (Died) through L.Rs. Vs. Spl.L.A.O. Jalgaon, 2012(2) Mh.LJ 530***, wherein it is held that when there were well in the acquired land, the mere fact that the appellants had not cultivated sugarcane or wheat can not lead to the inference that the land was non-irrigated land.

16) I have applied the ratio laid down by the Hon'ble Supreme Court in the case of ***Chindha Fakira Patil (Died) through L.Rs. Vs. Spl.L.A.O. Jalgaon*** (Supra) to the facts of the present case. The facts on record clearly shows that there is source of water (i.e., the Well) available to the claimants for cultivating the suit land. I also conclude that the suit land is the irrigated (Bagayat) land.

17) The learned Advocate for the claimants have submitted that the compensation awarded by the S.L.A.O. is without adverting to the provisions of Section 23 of the Act. He has not considered the nature, fertility, N.A. potentiality of the land, sale transactions taken place prior to the notification though the same were available. He has pointed out that the award does not mention any other reason

like fertility of the land, nature of the land, & therefore the compensation granted is inadequate.

18) From the award (at Exh. 44), it is seen that land of the village Nagardeola, Tal. Pachora, Dist. Jalgaon acquired for construction of 33/11 KV Sub-Station, M.S.E.B., Dhule under the land acquisition proceeding bearing L.A.Q./S.R./7/04. It also seems from the award (at Exh. 44) that while determining the market value of the acquired land, the S.L.A.O. called necessary information from the Sub-Registrar Office, Pachora in respect of the sale instances at village Nagardeola, Tal. Pachora, Dist. Jalgaon. Those sale instances were examined by the S.L.A.O. & which were executed prior to the date of notification under Section 4 of the Act. Thereafter, the S.L.A.O. classified the acquired land into Class-1 to Class-7 on the basis of their revenue assessment. The revenue assessment of the agricultural land can be seen from the 7/12 extracts of the land concerned, maintained by the Revenue Department of the State Government. Accordingly, the S.L.A.O. determined market value of the acquired land on the basis of their revenue assessment.

19) Admittedly, the respondents have not led any evidence as to when the survey of agricultural land was carried in the State or at least in the region wherefrom the land have been acquired for 33/11 KV Sub-Station, M.S.E.B., Dhule. There is no evidence led on behalf of the State as to what was the basis for determining the assessment of the agricultural land. The point of time as to when such a survey was undertaken & assessment was made by the State is also not brought on record on behalf of the State. The market price of the agricultural land is significant for the farmer community. While considering the transaction in relation to the market price of agricultural land, a willing purchaser & a willing seller take into

consideration the fertility, quality, access, irrigation facility & prospects of such facilities in near future. In the absence of any evidence on behalf of the State, in my view, revenue assessment done cannot be made a basis for classification of the agricultural land. Under these backdrops, I hold that the grouping of land made by the Special Land Acquisition Officer on the basis of revenue assessment & thereby, determining the market price of such groups is illegal, improper & is not in accordance with the provisions of law.

20) In order to buttresses my aforesaid view, I would like to rely upon the ratio laid down by the Hon'ble Bombay High Court in the case of ***State of Maharashtra Vs. Baliram Ghirdhar Patil 2006(6) MhLJ 82***, wherein it has clearly held that “grouping of lands made by the S.L.A.O. on the basis of assessment & accepted by the Reference Court is not legal, proper & is not in accordance with the provisions of law.”

21) It also seen from the award (at Exh.44) that the S.L.A.O. has not considered the highest exemplar (the sale deed at Sr. No. 44 of award) & has not assigned any reason for discarding the same. It is the general rule that the highest of the sale exemplars, if it is satisfied that it is a bona fide transaction, has to be considered and accepted. When the land is being compulsorily taken away from a person, he is entitled to the highest value which similar land in the locality is shown to have fetched in a bona fide transaction entered into between a willing purchaser and a willing seller near about the time of the acquisition. In this case, the S.L.A.O. ignored the highest sale exemplar and fixed market value of the suit land on the basis of ready reckoner rates. It is well settled that the ready reckoner rates are determined & maintained only for fiscal purpose of collecting stamp duty & registration charges. The market value mentioned

therein cannot form a foundation to determine the compensation under Section 23(1) of the Act. Accordingly, he committed error in fixation of the market rate of the suit land.

22) In order to buttresses my aforesaid view, I would like to rely upon the ratio laid down by the Hon'ble Supreme Court in the case of ***Jawajee Nagnathan Vs. Revenue Divisional Officer,(1994) 4 SCC 595***, wherein it has clearly held that “the basic value register is maintained only for fiscal purpose of collecting stamp duty & registration charges. The market value mentioned therein cannot form a foundation to determine the compensation under Section 23(1) of the Act.”

23) In the case of ***the Special Land Acquisition Officer Vs. Jasti Rohini, 1995 AIR SCW 823***, the Hon'ble Supreme Court held that “Fixation of market value on the basis of the basic valuation register is, therefore, illegal & unsustainable.”

24) In view of the ratio of authorities cited supra, it is clear that fixation of market value of the acquired land on the basis of the ready reckoner rates is illegal & unsustainable. In the case in hand, the S.L.A.O. was fixed market value of the acquired lands on the basis of the ready reckoner rates, which is illegal & not sustainable in the eyes of law. Therefore, I have not hesitation to hold that the compensation awarded by the S.L.A.O. is meager and inadequate.

25) Now, I am turning to deal with determination of the market value of the acquired lands on the date of notification under Section 4 of the Act. Indisputably, there is no straight jacket formula in order to arrive at a proper market value of the acquired lands at the relevant date & time. All the things required to be considered by the Court on the basis of oral & documentary evidence adduced by

the parties.

26) In the case of ***Koyappathodi M. Ayisha Umma Vs. State of Kerala, 1991(4) SCC 8***, the Hon'ble Supreme Court has given directions as to how to fix a market value of a land. The Hon'ble Supreme Court held that the different methods of valuation to be adopted to ascertain the market value of the land on the date of notification are 1) Opinion of Experts; 2) The price paid within a reasonable time in bona fide transactions of the adjacent land possessing similar advantages i.e. Comparative method; 3) Net income capitalization. In the cases in my hand, the learned advocate for the claimants have relied upon the comparable sale instances method for determining market value of the suit land.

27) It is settled law that comparable sales method of valuation of land is good method to determine market value of the acquired land. But while considering such sale instances, several factors have to be considered & on the basis of such factors which may be plus factors or minus factors, the market value of the acquired land has to be determined on the basis of comparable sale instance. The observation of Hon’ble Supreme Court in the case of ***Chimanlal Hargovinddas Vs. SLAO, Poona, AIR 1988 SC 1652***, is very useful in that regard. The Hon’ble S.C. 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 on 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 the Court. Of course the materials placed and proved by the other side can also be taken into account for this purpose.
(5) The market value of land under acquisition has to be determined as on the crucial date of publication of the notification under Section 4 of the Land Acquisition Act (dates of Notifications under secs. 6 and 9 are irrelevant).
(6) The determination has to be made standing on the date line of valuation (date of publication of notification under Section 4) as if the valuer is a hypothetical purchaser willing to purchase land from the open market and is prepared to pay a reasonable price as on that day. It has also to be assumed that the vendor is willing to sell the land at a reasonable price.
(7) In doing so by the instances method, the Court has to correlate the market value reflected in the most comparable instance which provides the index of market value.
(8) Only genuine instances have to be taken into account. (Some times instances are rigged up in anticipation of Acquisition of land).
(9) Even post notification instances can be taken into account (i) if they are very proximate, (ii) genuine and (iii) the acquisition itself has not motivated the purchaser to pay a higher price on account of the resultant improvement in development prospects.
(10) The most comparable instances out of the genuine instances have to be identified on the following considerations:

(i) proximity from time angle,

(ii) proximity from situation angle.

(11) Having identified the instances which provide the index of market value the price reflected therein may be taken as the norm & the market value of the land under acquisition may be deduced by making suitable adjustments for the plus & minus factors vis-a-vis land under acquisition by placing the two in juxtaposition.
(12) A balance-sheet of plus & minus factors may be drawn for

this purpose & the relevant factors may be evaluated in terms of price variation as a prudent purchaser would do.

(13) The market value of the land under acquisition has thereafter to be deduced by loading the price reflected in the instance taken as norm for plus factors & unloading it for minus factors.

(14) The exercise indicated in clauses (11) to (13) has to be undertaken in a common sense manner as prudent man of the world of business would do. We may illustrate some such illustrative (not exhaustive) factors:

Plus factors		**Minus factors**	
1	Smallness of size	1	Largeness of area
2	proximity to a road	2	Situation in the interior at distance from the Road.
3	Frontage on a road	3	Narrow strip of land with very small frontage.
4	Nearness to developed area	4	Remoteness from developed locality.
5	Regular shape	5	Lower level requiring the depressed portion to be filled up.
6	Level vis-a-vis land under acquisition	6	Some special disadvantageous acquisition factor which would deter a purchaser.
7	Special value for an owner of an adjoining property to whom it may have some very special advantage.		

(15) The evaluation of these factors of course depends on the facts of each case. There cannot be any hard and fast or rigid rule. Common sense is the best and most reliable guide. For instance, take the factor regarding the size. A building plot of land say 500 to 1000 sq. yds cannot be compared with a large tract or block of land of say l000 sq. yds or more. Firstly while a smaller plot is within the reach of many, a large block of land will have to be developed by preparing a lay out, carving out roads, leaving open space, plotting out smaller plots, waiting for purchasers (meanwhile the invested money will be blocked up) and the hazards of an entrepreneur. The factor can be discounted by making a deduction by way of an allowance at

an appropriate rate ranging approx. between 20% to 50% to account for land required to be set apart for carving out lands and plotting out small plots. The discounting will to some extent also depend on whether it is a rural area or urban area, whether building activity is picking up, and whether waiting period during which the capital of the entrepreneur would be looked up, will be longer or shorter and the attendant hazards.
(16) Every case must be dealt with on its own facts pattern bearing in mind all these factors as a prudent purchaser of land in which position the Judge must place himself."

28) Considering the ratio laid down by the Hon'ble Supreme Court in the case of ***Chimanlal Hargovinddas Vs. SLAO, Poona, (supra)***, the material which has been placed & proved by the rival parties can be taken into account while assessing the market value of the acquired land. In the cases in hand, the respondents have not led evidence in support of their contentions in the written statements. They have not produced & proved material on record which had been relied upon by the S.L.A.O. for determining the market value of the acquired land.

29) Claimant No. 8 Vishwanath testified that the acquired land is adjacent to Nagardeola Gavthan and it is also abutting to Nagadeola to Nipane Road. The acquiring body is using the suit land for non agricultural purpose. There are residential houses, plots, hotels and school to the adjacent of the acquired land. The acquired land was suitable for residential purposes as it was adjoining to Nagadeola Gavthan. Therefore, the claimants sought compensation at the rate of Rs. 1,500/- per square meter to the suit land.

30) In the light of oral evidence of the claimants, I am going to ascertain the market value of the suit land at the relevant time. For that purpose, the claimants have produced the certified copies or verified copies of the registered sale deeds (at Exhs.31, 33, 39 & 40). As per section 51A of the Act, certified copy of the sale deeds

registered under the Registration Act can be accepted as evidence. In the case of ***Land Acquisition Officer and Mandal Revenue officer Vs. V. Narsaiya, AIR 2001 SC 1117***, the same ratio is laid down by the Hon'ble Supreme Court. Hence, the verified copy of the sale deeds is admissible. Accordingly, he placed reliance upon the following sale instances,

a) Firstly, the registered sale deed bearing registration No. 864/2007 dated 27/02/2007 (at Exh.31), which executed by Mr. Shaikh Shabbir Shaikh Ahmed Bagwan in favour of Mr. Noorjha Nawab Shaikh. It is in respect of 01 Hectare 82 Aar of the land bearing Block No. 295/1 situated at village Nagardeola, Tal. Pachora, Dist. Jalgaon. It has been sold for consideration of Rs. 24,00,000/-. After mathematical calculations (i.e., Rs. 24,00,000/- divided by 182 Aar is equal to Rs.13,186.81/- per Aar), **the market value of this land comes to Rs. 13,18,681/- per hectare** (i.e., Rs. 13,186.81/- multiplied by 100 Aar is equal to Rs. 13,18,681/-).

b) Secondly, the registered sale deed bearing registration No. 865/2007 dated 27/02/2007 (at Exh.33), which executed by Mr. Shaikh Majid Shaikh Ahmed Bagwan in favour of Mr. Nawab Haji Shaikh. It is in respect of irrigated (Bagayat) area of 01 Hectare 83 Aar (having the Well & electric motor) of the land bearing Block No. 295/2 situated at village Nagardeola, Tal. Pachora, Dist. Jalgaon. It has been sold for consideration of Rs. 25,00,000/-. After mathematical calculations (i.e., Rs. 25,00,000/- divided by 183 Aar is equal to Rs.13,661.20/- per Aar), **the market value of this land comes to Rs. 13,66,120/- per hectare** (i.e., Rs. 13,661.20/- multiplied by 100 Aar is equal to Rs. 13,66,120/-).

c) Thirdly, the registered sale deed bearing registration No. 662/2007 dated 13/02/2007 (at Exh.39), which executed by Mr. Salim Ahmed Dadamiya Patel in favour of Mr. Ravindra Gajanan

Sonar. It is in respect of Grampanchayat House No. 1884/ C.S.No.2065 admeasuring area 39 square meter situated at village Nagardeola, Tal. Pachora, Dist. Jalgaon. It has been sold for consideration of Rs. 1,25,000/-. After mathematical calculations (i.e., Rs. 1,25,000/- divided by 39 square meter is equal to Rs. 3,205.12/- per square meter), **the market value of this open plot comes to Rs. 3,205.12/- per square meter**.

d) Fourthly, the registered sale deed bearing registration No. 1286/2006 dated 24/03/2006 (at Exh.40), which executed by Mr. Sanjay Shivram Patil & others in favour of Mr. Lotan Deoram Patil. It is in respect of Grampanchayat Open Plot No. 3338/C.S.No.2553 admeasuring area 43.70 square meter situated at village Nagardeola, Tal. Pachora, Dist. Jalgaon. It has been sold for consideration of Rs. 1,15,000/-. After mathematical calculations (i.e., Rs. 1,15,000/- divided by 43.70 square meter is equal to Rs. 2,631.57/- per square meter), **the market value of this open plot comes to Rs. 2,631.57/- per square meter**.

31) I have minutely gone through the sale deeds (at Exh. 39 & 40 which are in respect of Grampanchayat House No. 1884/ C.S.No. 2065 and Grampanchayat Open Plot No. 3338/C.S.No.2553 respectively) in the light of oral evidence of Claimant No. 8 Vishwanath. He admitted admitted that they had been using the suit land for agricultural purpose prior to its acquisition. He also admitted that remaining portion of the suit land is their possession and they are using the same for agricultural purpose. These admissions are sufficient for indicating that the suit land was agricultural land at the time of its acquisition. It is trite proposition that prices fetched for small plots cannot form safe bases for valuation of large tracts of land as the two are not comparable

properties. Therefore, the sale deeds (at Exh. 39 & 40) are not comparable to the suit land. Consequently, it cannot be considered for the fixation of price of the suit land.

32) I have minutely gone the sale instances (Exh. 31 & 33) which are in respect of the land bearing Block No. 295/1 & 295/2 respectively along with its village map (at Exh. 42). It seems that the land bearing Block No. 295/1 & 295/2 are the irrigated land having the Well and electric motor. They are having locational proximity with the suit land. Execution of these sale deeds (at Exh.31 & 33) are occurring in close proximity to the issuance of the notification under Section 4 of the Act. Therefore, the said sale deeds (at Exh.31 & 33) are most comparable with the acquired suit land as it is holding the apt locational proximity vis-a-vis the location of the land as brought to acquisition. Moreso, the said ale deeds (at Exh.31 & 33), are also fulfilling the twin principles (a) of their execution occurring in close proximity to the issuance of the notification under Section 4 of the Act & (b) the land mentioned therein is also holding the apt locational proximity vis-a-vis the location of the land as brought to acquisition. Under these backdrops, I have no hesitation to conclude that the sale deeds (at Exh.31 & 33) are the apt & the highest sale exemplar for determining the market value of the acquired land on the date of notification under Section 4(1) of the Act.

33) Upon relying the sale deeds (at Exh.31 & 33), I have fixed or determined market value of the suit land is of Rs.**13,66,120/- per hectare** [i.e., sale consideration of the land bearing Block No. 295/2 is Rs. 25,00,000/- divided by its area 183 Aar (which sold under the sale deed at Exh. 33) is equal to Rs.13,661.20/- per Aar] **for the irrigated land** on the date of notification under Section 4 of the Act. Accordingly, the claimants are entitled to get compensation of Rs.

8,19,672/- towards acquisition of the suit land which calculated as under,

Sr. No.	Block No. of acquired land	Description of the acquired area X rate determined by this Court	Amount
1	300	60 Aar (cultivable) X Rs. 13,661.20/- per Aar	**Rs.8,19,672/-**

34) Besides the price of the suit land, the claimants are also entitled to get 30% solatium and 12% per annum component from the date of notification under Section 4 of the Act (i.e.,08/02/2007) to the date of award (i.e., 07/02/2010) vide section 23 of the Act.

35) In view of the ratio of the Hon'ble Supreme Court in the case of ***R.L. Jain (D) By Lrs vs Dda & Ors, reported in 2004 (4) SCC 79*** & the Hon'ble Bombay High Court in case of ***State of Maharashtra Vs. Kailash Shiva Rangari, reported in 2016 (3) Mh.L.J. 457*** as well as in the case of ***The Executive Engineer, Beed Irrigation Division VS. Aashabai Narayan Ghadage, 2021 (7) ALL MR 643***, the claimants are entitled to get interest on the market value of the acquired suit land, solatium and component at the rate of 9% per annum for first year and thereafter, at the rate of 15% per annum from the date of award passed by the S.L.A.O. till the realization of entire amount under Section 28 of the Act Hence, I have answered Issue No. 2 to 4 accordingly and following order is passed.

-: O R D E R :-

1.) The reference is partly allowed with costs.

2.) The respondents shall pay compensation of Rs.8,19,672/- (Rupees Eight Lakhs Nineteen Thousands Six Hundred Seventy Two Only) to the claimants for acquisition of the suit land vide Section 23(1) of the Act.

3.) The respondents shall also pay 30% solatium on the aforesaid enhanced compensation of the suit land as awarded by this Court to the claimants vide Section 23(2) of the Act.

4.) The respondents shall also pay component at the rate of 12% p.a. on the aforesaid enhanced compensation of the suit land to the claimants from the date of notification under Section 4 of the Act (i.e.,08/02/2007) to the date of award (i.e., 07/02/2010) vide Section 23(1A) of the Act.

5.) The respondents shall pay an amount of interest on the above enhanced compensation of the suit land, solatium and component at the rate of 9% per annum to the claimants for first year and thereafter, at the rate of 15% per annum from the date of award till the realization of entire amount vide Section 28 of the Act.

6.) The amount of compensation, if any paid by the S.LA.O to the claimants shall be deducted from the compensation awarded by this Court.

7.) The claimants do pay requisite court-fees, if any.

8.) Bill of costs be prepared accordingly.

SHARAD SARDARSING PARDESHI

Digitally signed by SHARAD SARDARSING PARDESHI
Date: 2025.07.24 16:34:33 +0530

Date : 23/07/2025. (Sharad S. Pardeshi)

4th Joint Civil Judge Senior Division, Jalgaon

Place : Jalgaon