



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1150 OF 2012

Narayan s/o. Dhondiba Padre,
Age 52 years, Occu. Agril.,
R/o. Khadgaon, Taluka and District Latur .. Appellant

Versus

1. The State of Maharashtra
Through the Collector,
Latur, Taluka and District Latur
2. The Executive Engineer,
P.W.D. Ausa Road, Latur,
Taluka and District Latur .. Respondents

...
AND

FIRST APPEAL NO. 569 OF 2012

Sambhaji s/o. Hariba Padre,
Age 65 years, Occu. Agril.,
R/o. Khadgaon, Taluka and District Latur .. Appellant

Versus

1. The State of Maharashtra
Through the Collector,
Latur, Taluka and District Latur
2. The Executive Engineer,
P.W.D. Ausa Road, Latur,
Taluka and District Latur .. Respondents

...
AND

FIRST APPEAL NO. 1152 OF 2012

Suryabhan s/o. Dhondiba Padre,
Age 50 years, Occu. Agril.,
R/o. Khadgaon, Taluka and District Latur .. Appellant



Versus

1. The State of Maharashtra
Through the Collector,
Latur, Taluka and District Latur
2. The Executive Engineer,
P.W.D. Ausa Road, Latur,
Taluka and District Latur .. Respondents

...
AND

FIRST APPEAL NO. 572 OF 2012

Shivaji s/o. Bachesaheb Salunke,
Age 55 years, Occu. Agril.,
R/o. Khadgaon, Taluka and District Latur .. Appellant

Versus

1. The State of Maharashtra
Through the Collector,
Latur, Taluka and District Latur
2. The Executive Engineer,
P.W.D. Ausa Road, Latur,
Taluka and District Latur .. Respondents

...
AND

FIRST APPEAL NO. 574 OF 2012

Hanmant s/o. Nagorao Salunke,
Age 45 years, Occu. Agril.,
R/o. Khadgaon, Taluka and District Latur .. Appellant

Versus

1. The State of Maharashtra
Through the Collector,
Latur, Taluka and District Latur
2. The Executive Engineer,
P.W.D. Ausa Road, Latur,
Taluka and District Latur .. Respondents



...
AND

FIRST APPEAL NO. 573 OF 2012

Jagannath s/o. Nagorao Salunke,
Died, through L.Rs.:-

- 1A. Prafulla s/o. Jaggannathrao Salunke,
Age 60 years, Occu. Household
- 1B. Narendra s/o. Jaggannathrao Salunke,
Age 60 years, Occu. Household
Both R/o. Khadgaon, Taluka and
District Latur .. Appellant

Versus

1. The State of Maharashtra
Through the Collector,
Latur, Taluka and District Latur
2. The Executive Engineer,
P.W.D. Ausa Road, Latur,
Taluka and District Latur .. Respondents

...
AND

FIRST APPEAL NO. 1151 OF 2012

Ramrao s/o. Laxman Padre, Died,
through L.Rs.

1. Shivaji Ramrao Padre (Salunke),
Age 65 years, Occu. Agri.
2. Prabhu Ramrao Padre (Salunke),
Age 60 years, Occu. Agri.
3. Shatrughna Ramrao Padre (Salunke),
Age 65 years, Occu. Agri.
All R/o. Khadgaon, Taluka and District Latur .. Appellant

Versus

1. The State of Maharashtra
Through the Collector,
Latur, Taluka and District Latur



2. The Executive Engineer,
P.W.D. AUSA Road, Latur,
Taluka and District Latur .. Respondents

...
AND

FIRST APPEAL NO. 571 OF 2012

Anant s/o. Nagorao Salunke,
Age 38 years, Occu. Agril.,
R/o. Khadgaon, Taluka and District Latur .. Appellant

Versus

1. The State of Maharashtra
Through the Collector,
Latur, Taluka and District Latur
2. The Executive Engineer,
P.W.D. AUSA Road, Latur,
Taluka and District Latur .. Respondents

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Mr. Satish S. Manale, Advocate for Appellants;
Mr. S. B. Jadhav, A.G.P. for Respondents

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 24-03-2026

PER COURT:-

1. These first appeals are preferred by the appellants/claimants against the common judgment and award dated 29.09.2011 passed by the learned Civil Judge, Senior Division, Latur, in Land Acquisition Reference Nos. 209, 232, 233, 234, 235, 236, 237 of 2003 and 622 of 2002. The following chart reflects all the material particulars of the first appeals.



First Appeal No.	L.A.R. Nos.	Survey No.	Acquired Area	Compensation awarded by SLAO	Compensation awarded by Reference Court
1151/2012	209/2003	39	6 Are	Rs.2,00,000/- per Hector	Rs.9,00,000/- per Hector
1150/2012	232/2003	39	5 Are	Rs.2,00,000/- per Hector	Rs.9,00,000/- per Hector
569/2012	233/2003	39	10 Are	Rs.2,00,000/- per Hector	Rs.9,00,000/- per Hector
573/2012	234/2003	39	21 Are	Rs.2,00,000/- per Hector	Rs.9,00,000/- per Hector
572/2012	235/2003	39	17 Are	Rs.2,00,000/- per Hector	Rs.9,00,000/- per Hector
571/2012	236/2003	39	26 Are	Rs.2,00,000/- per Hector	Rs.9,00,000/- per Hector
574/2012	237/2003	39	24 Are	Rs.2,00,000/- per Hector	Rs.9,00,000/- per Hector
1152/2012	622/2002	39	4 Are	Rs.2,00,000/- per Hector	Rs.9,00,000/- per Hector

2. The learned counsel for the appellants pointed out the pleadings, the evidence, the grounds of objections in the appeals and the reasons and findings in the impugned judgment, particularly, the sale exemplars at Exhibit-23 and 24 of village Khadgaon, as well as the award passed by the Special Land Acquisition Officer ("SLAO"). He further pointed out that the reasons in the impugned judgment, particularly, Paragraph No.21, in which the learned Reference Court has held that the claimants' land has N.A. potentiality as it was situated in the vicinity of Municipal Council, Latur, though it is factually situated at Khadgaon. He submitted that the learned Reference Court has not believed and accepted the sale exemplar at Exhibit-23, which is



bonafide and comparable sale exemplar and came to the wrong conclusion by awarding the meagre amount of compensation to the acquired land @ Rs.9,00,000/- per hectare at the time of notification under Section 4 of the Land Acquisition Act, 1894. The Reference Court ought to have deducted one third ($1/3^{\text{rd}}$) amount out of the sale consideration of the sale exemplar at Exhibit-23. He submitted that the claimants' lands are having NA potentiality, which can be seen from the layout plan and the NA permission of the layout at Exhibit-41, the claimants' land can be safely equated with the land in the sale exemplar at Exhibit-23. He, therefore, prayed to set aside the impugned judgment and allow all the appeals by enhancing compensation.

3. Learned A.G.P. for the State has strongly opposed the appeals and submitted that there is no substance in its grounds of objection. The claimants' acquired agricultural land is not situated within Municipal Council, Latur, and therefore, it cannot be equated with land in the sale exemplar at Exhibit-23 which is admittedly N.A. plot. Considering the small area of the plot in the sale exemplar at Exhibit-23, it cannot be held as comparable sale exemplar as its area is $36 \times 25 = 900$ sq.ft. only. He further submitted that the evidence was properly appreciated by the learned Reference Court. The reasons and findings of the learned Reference Court in the impugned judgment are legal and correct



and no interference is warranted therein. Hence, it is prayed to dismiss all the appeals.

4. Perused the pleadings, the evidence, the grounds of objections raised in the appeals, and the reasons and findings of the learned Reference Court in the impugned judgments.

5. The learned Reference Court followed aggregated method for determining compensation to the appellants. The method followed by the learned Reference Court to determine the compensation is not justifiable when there is evidence of a comparable sale exemplar. The evidence of the sale exemplar at Exhibit-23 shows that it was executed on 08.06.1995 by which a plot in survey No.52 admeasuring $36 \times 25 = 900$ sq. ft was sold for a consideration of Rs.1,10,000/- of village Khadgaon, dated 08.06.1995, which is adjacent to the Municipal Council having N.A. potentiality. The claimants' lands were acquired as per the notification issued and published in the official gazette on 23.11.1995 and published in the village on 22.02.1996. Thus, the said sale exemplar was executed prior to the notification under Section 4 of the Land Acquisition Act, 1894, dated 22.02.1996. It is not disproved by the respondent. Therefore, sale exemplar at Exhibit-23 can be safely relied upon as it is *bonafide* and comparable one.



6. As far as the deduction for development of N.A. plot is concerned, the law is well settled that one third ($1/3^{\text{rd}}$) of the area is required for the development of NA land for road, etc. If one third of the amount of the consideration of sale exemplar Exhibit-23 is deducted/excluded, out of Rs.122/- per Square feet rate for NA plot, it comes to @ Rs.40.50 Ps. per square feet, If it is deducted from @ Rs.122/- per square feet, then the appellants/claimants are entitled to compensation @ Rs.81/- per square feet. which is correct market value of their acquired lands on the date of notification under Section 4 of the Land Acquisition Act, 1894, dated 23.11.1995.

7. The learned Reference Court has not appreciated the evidence of sale exemplar at Exhibit-23 in its proper perspective, as per the settled law and came to the wrong conclusion and awarded a meager amount of compensation @ Rs.9,00,000/- per Hector. The claimants are certainly entitled to an enhanced of amount of compensation as held above. The impugned judgment and award deserves to be partly set aside. The first appeals deserve to be allowed. Hence, the order;

ORDER

- (I) All the first appeals are partly allowed.
- (II) The impugned judgment and award are partly set aside and modified as under:



- (a) The appellant/claimants are entitled to enhanced amount of Rs.80/- per square feet for their acquired lands including the earlier compensation awarded and received by them along with all statutory benefits like interest, component and solatium, as per the Provisions of the Land Acquisition Act, 1894.
- (III) It is clarified that the appellants / claimants are not entitled to interest for the period of delay, if any, is condoned by this Court.
- (IV) The respondent is directed to deposit the enhanced amount of compensation along with all statutory benefits like interest, component and solatium, within six months.
- (V) The appellants shall pay the deficit court fee, if any, and on receiving the same, the enhanced amount of compensation be paid to the claimants.
- (VI) Award be drawn up accordingly.
- (VII) Pending civil application, if any, is disposed of.
- (VIII) Record and Proceedings be sent back.

[SANJAY A. DESHMUKH]
JUDGE