



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

959 FIRST APPEAL NO. 1152 OF 2015

Santosh Vishnu Buva, L.rs. Hari Somnath Deole And Others  
VERSUS

The State of Maharashtra and another

...

AND

FIRST APPEAL NO. 115 OF 2012

WITH

CIVIL APPLICATION NO. 10967 OF 2012

Sakharam Krishnaji Vaidya

VERSUS

The State of Maharashtra and another

AND

FIRST APPEAL NO. 1729 OF 2012

WITH

CIVIL APPLICATION NO. 4022 OF 2017

Sakharam Krishnaji Vaidya

VERSUS

The State of Maharashtra and another

.....

Advocate for Appellant : Mr. Bhokarikar Madhav M  
AGP for Respondents: Mr. S.G. Joshi

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**CORAM : SANJAY A. DESHMUKH, J.**  
**DATED : 2<sup>nd</sup> APRIL, 2026**

**PER COURT :-**

1. These appeals are preferred against the judgment and awards passed by the learned Land Reference Court, Amalner, District Jalgaon, as per the details shown in the following chart:-

Sr. No.	F. A. No.	L.A.R. No.	Date of judgment	Gat No.	Acquired area	Compensation awarded by the Reference Court
1	1152 of 2015	329 of 1993	02.08.2012	190	0 H 53 Are	Rs.320/- per Are
2	115 of 2012	238 of 1993	01.12.2011	79	0 H 95 Are	Rs.615/- per Are
3	1729 of 2012	01 of 1993	05.08.2009	1232	0 H 66 Are	Rs.750/- per Are

2. The learned advocate for the appellants pointed out the pleadings, evidence, grounds of objection of the appeals and the reasons and findings in the impugned judgment and award. The learned advocate for the appellants submitted that the appellants' lands were acquired for the purpose of construction of right canal of Hatnoor project, by notifications issued/published under section 4 of the Land Acquisition Act, 1894 (for short the "L.A. Act") on 07.10.1988 in FA No. 1152 of 2015, on 08.03.1988 in FA 115/2012 and on 06.06.1988 in FA 1729/2012 and notifications under Section 9 of the L.A. Act was issued on 03.08.1989, 03.07.1989 and 13.09.1989, respectively. The learned advocate for the appellants submitted that the evidence placed on record by the appellants was not properly appreciated. The L.A.O. awarded the compensation @

Rs.266/- per Are. The Land Reference Court awarded Rs.320/- in L.A.R. No. 329 of 1993 (F.A. 1152 of 2015), Rs.615/- per Are in L.A.R. No. 238 of 1993 (F.A. No. 115 of 2012) and Rs.750/- per Are in L.A.R. No.1 of 1993 (F.A. No. 1729 of 2012). Therefore, the claimants prayed for enhanced amount of compensation @ Rs.1,09,500/-, Rs.1,25,238/- and Rs.1,50,000/- per Hectare. Learned advocate for the appellants pointed out the grounds of objection of the appeals and submitted that the evidence was not properly appreciated. The compensation was not properly determined. The sale exemplars were not relied upon. He pointed out para 11 of the judgment which is impugned in First Appeal No.115 of 2012, in which the learned Land Reference Court held that the sale exemplars were considered in L.A.R. Nos. 34 of 1992 and other connected land references in which the compensation @ Rs.615/- per Are is determined and awarded, illegally. It is therefore, prayed to allow the appeals.

3. Learned A.G.P. for the respondent State strongly opposed the appeals and submitted that the amount of compensation determined and awarded by the learned Reference Court is correct and no interference is warranted in it. The lands of the claimants did not have N.A. potentiality; therefore, the judgment of this Court relied upon by the claimants in First Appeal No. 230 of 1994, decided on

17.10.2003, and the judgment of the Hon'ble Supreme Court in Civil Appeal No. 7541 of 2004 cannot be relied upon. He submitted that the compensation cannot be enhanced on the basis of those judgments. It is lastly prayed to dismiss the appeals.

4. Perused the record and proceedings, particularly the pleadings, evidence, grounds of objection of the appeals and the reasons and findings of the learned Reference Court in the impugned judgment and award. On going through the judgment of this Court in first appeal No. 230 of 1994, decided on 17.10.2003 as well as the judgment of the Hon'ble Supreme Court in the Civil Appeal No. 7541 of 2004, decided on 19.04.2011, it is crystal clear that the amount of Rs.38/- per sq. meter is finalized by the said judgment. The notification under Section 4 of the L.A. Act, for the said acquired land for one and the same project was issued on 07.07.1988 when the notifications in the present matter were issued during that period only. For that purpose for the said period 50% cumulative escalation is awarded. Then the claim of the claimants is justified for enhancing the amount by 50% i.e.  $38+19=57$ . Thus, the claimants are entitled for compensation @ Rs.57/- per sq. meters as the claimants' lands are having N.A. potentiality. Therefore, the appeals deserve to be partly allowed. The impugned judgment and award deserve to be partly set aside. Hence, the following order:-

## O R D E R

- I. The first appeals are allowed.
- II. The impugned judgment and awards passed by the learned Reference Court are set aside and modified as under:-
  - a) The appellants are entitled to compensation @ Rs.57/- per sq. meter, including amount of compensation which was awarded and received by the claimants, with all other statutory benefits i.e. additional component, interest and solatium as per the provisions of Land Acquisition Act, 1894.
- III) The appellants are not entitled to interest for the delayed period, which was condoned by this Court, if any.
- IV) The enhanced amount of compensation with statutory interest etc. shall be deposited in this court within a period of six months from today and on payment of deficit Court fee, if any, it be paid to the appellants.
- V) The award be drawn up accordingly.
- VI) The record and proceedings be sent back.

5. In view of disposal of first appeals, nothing further survives for consideration in pending civil applications and the same are also disposed of.

**(SANJAY A. DESHMUKH, J.)**

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