



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**903 FIRST APPEAL NO. 1479 OF 2012**

THE EXECUTIVE ENGINEER,  
(CONSTRUCTION) SOUTH CENTRAL RAILWAY, LATUR

VERSUS

NARSING CHANDAR YECHWAD DIED  
THROUGH LRS WANMALA AND OTHERS

AND

**FIRST APPEAL NO. 2230 OF 2011**

NARSING CHANDAR YECHWAD DIED  
THROUGH LRS WANMALA AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Manish N. Navandar, Advocate for Acquiring Body.  
Ms. Anuradha S. Mantri, AGP for Respondents / State & LAO.  
Mr. Vikas G. Kodale, Advocate for Claimants.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 18<sup>th</sup> April, 2026.

**Per Court :**

1 First Appeal No.1479 of 2012 has been preferred by the the acquiring body and First Appeal No.2230 of 2011 has been preferred by the claimants against the judgment and award dated 16<sup>th</sup> April, 2008, passed by the learned Land Reference Court, District Latur, in LAR No.101 of 2005.



2           The claimants' land bearing Block No.128, admeasuring 83 R, situated at village Chincholiraowadi, Tahsil and District Latur, was acquired for the purpose of construction of Miraj to Latur Railway Line, as per the notification issued and published under Section 4 of the Land Acquisition Act, 1894 (for short, "the said Act") dated 18<sup>th</sup> October, 1996. The Land Acquisition Officer (for short, "LAO") awarded compensation @ Rs.33,500/- per H. The learned Reference Court enhanced and awarded the compensation @ Rs.2500/- per R.

3           The learned Advocate for the acquiring body pointed out paragraph No.9 of the the impugned judgment and submitted that the reasons and findings of the learned Reference Court are not legal and correct. The sale exemplar of village Chincholiraowadi is not filed on record. However, the sale exemplar at Exhibits 19, 20 and 21 of village Harangul (Bk.) were placed on record. He submitted that though sale exemplar Exhibit-21 is of highest consideration, it cannot be relied upon as the land in the said sale exemplar cannot be equated with the acquired land. The acquired land is an agricultural land. On the contrary, the land in sale exemplar at Exhibit -21 is situated near the railway line. Further, 27 R land is sold by the said sale exemplar at Exhibit-21. However, the claimants' 83 R land is acquired. He, therefore, submitted to allow the appeal filed by the acquiring body and set aside the impugned judgment and award and determine the



compensation on the basis of sale exemplar at Exhibit-20 only as well as to dismiss the appeal filed by the claimants.

4           The learned Advocate for the claimants submitted that the learned Reference Court has rightly believed the sale exemplar at Exhibit-21, which is *bona-fide* and comparable sale exemplar, however, there is no justification for deducting Rs.1203/- and paragraph No.9 of the impugned judgment does not disclose the reasons for reducing that amount of compensation. Thus, guess work and aggregate method of determining the compensation is not legal and correct, particularly, when there is evidence of sale exemplar of village Harangul (Bk.). The learned Advocate for the claimants further submitted that the land of the claimants and the land in sale exemplar at Exhibit-21 are situated in one and the same vicinity.

5           The learned counsel for the claimants pointed out the oral evidence of claimant – Narsing, in which he deposed that his land is adjacent to the boundary of village Harangul (Bk.). The land is situated within half a kilometer from the railway line. Adjacent to that, there are several constructions, Navodaya Vidyalaya, factory and private houses etc. Therefore, it has commercial potentialities. He, therefore, submitted that the amount of compensation cannot not be reduced and that it can be awarded as per the sale exemplar at Exhibit-21. He



prayed to allow the appeal filed by the claimants and to dismiss the appeal filed by the acquiring body.

6           On perusal of the record and proceedings, particularly, the oral and documentary evidence of the claimant, it is crystal clear that sale exemplar at Exhibit-21 is of highest consideration. The said property is situated near to the railway line. The claimant's evidence is not shaken in the cross-examination that the acquired land is situated within half a kilometer from the railway line. From the evidence of the claimant, it is crystal clear that his land was having commercial potentialities. The sale exemplar at Exhibit-21, for 27 R land, was sold for a consideration of Rs.1,00,000/- i.e. Rs.3703/- per R. No doubt, the claimants have not established that the said land is adjacent to their land, however, considering the distance between the two villages i.e. Harangul (Bk.) and Chincholiraowadi, Tahsil and District Latur as well as the fact that claimants' 83 R land is acquired and 27 R land is sold as per sale exemplar at Exhibit-21, it would be proper to deduct 20% amount out of the sale exemplar at Exhibit-21. If 20% amount is deducted from sale exemplar at Exhibit-21, then it comes to Rs.2962/- per R, for which the claimants are entitled as compensation for their acquired land, which is the market value on the day of notification issued and published under Section 4 of the said Act dated 18<sup>th</sup> October, 1996. The learned Reference Court erred in determining the



compensation @ Rs.2500/- per R without giving cogent and acceptable reasons. The guess work method adopted by the learned Reference Court is not legal and correct. The appeal filed by the acquiring body deserves to be dismissed. The appeal filed by the claimants deserves to be partly allowed. The impugned judgment and award deserves to be partly set aside. Hence, the following order:-

### **ORDER**

- I. The appeal filed by the acquiring body is dismissed.
- II. The appeal filed by the claimants is partly allowed.
- III. The impugned judgment and award is partly set aside and modified as under:-
  - a) The claimants are entitled to the compensation @ Rs.2962/- per R, which includes earlier awarded amount of compensation, with statutory benefits i.e. solatium, interest and additional components as per the provisions of the Land Acquisition Act, 1894.
  - b) Rest of the judgment and award is confirmed.
  - c) Award be drawn up as per the above modification.



- IV. The claimants are not entitled to interest for the period of delay, if any, condoned by this Court.
- V. The Respondents are directed to deposit the enhanced amount of compensation alongwith statutory interest, in this Court within a period of six months from today and on payment of deficit court fees, if any, it be paid to the claimants.
- VI. Pending civil applications, if any, is disposed of.
- VII. Record and proceedings be sent back.

**[ SANJAY A. DESHMUKH, J. ]**

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