



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

907 FIRST APPEAL NO. 2065 OF 2012  
WITH  
CIVIL APPLICATION NO. 15057 OF 2016

Manjulabai Mahadeo Hake  
(Died Thr Legal representatives)  
Uttam Mahadeo Hake and others

VERSUS

The State of Maharashtra and others

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Advocate for Appellant : Mr. Ashwin V. Sakolkar h/f Mr. V. G. Sakolkar

AGP for Respondent Nos. 1 and 2: Mrs. Anuradha S. Mantri

Advocate for Respondent No.3 : Mr. A. D. Soman h/f Mr. D.V Soman

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

**DATED : 24<sup>th</sup> APRIL, 2026**

**PER COURT :-**

1. This appeal is preferred against the judgment and award passed by the learned Land Reference Court, Latur, District Latur, in L.A.R No. 616 of 2003, dated 28.06.2012.

2. Learned advocate for the appellants pointed out that the agricultural land bearing Gat Nos. 56 and 51, admeasuring total 56 Are, situated at village Warwanti, is acquired for the purpose of Latur-Miraj broad-guage Railway line, as per the notification issued and published under Section 4 of the Land Acquisition Act 1894 (for short "The L.A. Act"), on 15.06.2000 and which was published in the

village on 20.10.2000.

3. Learned advocate for the appellant pointed out the pleadings, evidence, grounds of objection of appeal and the reasons and finding in the impugned judgment and award. It is submitted that the learned Reference Court has not relied upon the relevant comparable sale exemplar at Exhibit 16, which was executed on 16.06.1993 for 2000 sq. ft. of land for a consideration of Rs.1,20,000/- from same village and adjacent to acquired land. The claimant's land was acquired pursuant to the notification issued and published under Section 4 of the L.A. Act on 15.06.2000. Therefore, it is submitted that the said sale exemplar is relevant, comparable, and a bonafide transaction to be relied upon. However, it is fairly submitted that some deduction may be made towards development charges, as the sale pertains to only 2000 sq. ft. N.A. plot. It is further submitted that there is a gap of seven years between the sale exemplar and the acquisition of the land in question. Lastly, it is prayed that cumulative escalation in price at the rate of 10% per annum be granted.

4. The learned advocate of the respondents - acquiring body strongly opposed the appeal and submitted that there is no substance in the grounds of objection of the appeal. The claimants

have not adduced any evidence to show that the acquired land and the land under sale exemplar Exh.16 were situated in one and the same area to apply the principle of equality/parity for holding it as comparable sale exemplar. It is submitted that the claimant's land is admittedly agricultural land, and the N.A. order was refused. Therefore, the said land cannot be compared with the land in the sale exemplar at Exhibit 16, i.e. Village Warwanti. Though the acquired land is from Village Warwanti and the land under the sale exemplar at Exhibit 16 is from the same village, the geographical similarity required for fetching the same valuation of the acquired land has not been brought on record. It is lastly prayed to dismiss the appeal.

5. Learned advocate for the respondent is relying on the authority of Hon'ble Supreme Court in the case of ***Maya Devi (Dead) Through Legal Representatives and others vs. State of Haryana and another, (2018) 2SCC 474***, in which it is observed that the development charges for development of a particular plot of land could range from 20% to 75% as per the law laid down in the case of ***Lal Chand v. Union of India, (2009) 15 SCC 769***.

6. On perusal of the impugned judgment and the sale exemplar Exh.16 of the same village Warwanti, it appears that the acquired land and the land under sale exemplar Exh.16 are situated

in one and the same village. The claimants land is admittedly agricultural land but as per the award passed by the L.A.O., it is observed that it is adjacent to M.I.D.C. area. In para 2 of oral evidence of Uttam Hake i.e. the appellant, he has deposed that the land is situated within the vicinity of village Warwanti. The village Warwanti is adjacent to Latur Municipal Area of Latur city. The said land is also near to Latur Kurduwadi State Highway, which is mentioned in the award of L.A.O. The said evidence is not shaken in the cross examination of this witness. On the contrary, in para 2 of the cross examination of this witness. It is stated that village Warwanti is towards the north of Latur Barshi Highway. The village is situated at a distance of one to one and a half kilometers from the Latur–Barshi Highway. However, it is ultimately agricultural land and has not been developed as an N.A. plot. For the purpose of development as N.A. land, 30% area is required to be deducted for open space etc..

7. Considering these factual aspects and the sale exemplar Exh.16, it would be proper to deduct 30% amount towards development charges for the small area of the plot i.e. N.A. land. If 30% amount is deducted, then it comes to Rs.42/- per sq.ft. The claimants land were acquired in the year 2000 and the sale exemplar Exh.16 is of the year 1993, it means, it is 7 years gap and therefore,

escalation in the price is to be considered. For the first base year, no any escalation can be awarded but for subsequent 7 years , cumulative escalation can be granted @ 6%. Thus, it comes to 21.15. Thus,  $42 + 21.15 = 63.15$  rounded up Rs.63/- per sq. ft. which is the market value of the acquired land on the date of notification issued/published under Section 4 of the L.A. Act. The learned Reference Court has not appreciated Exhibit 16 in its proper perspective and has arrived at an erroneous conclusion. Therefore, the impugned judgment deserves to be set aside. Hence the following order:-

#### O R D E R

- I. The first appeal is partly allowed.
- II. The impugned judgment and award passed by the learned Reference Court is set aside and modified as under:-
  - a) The claimants are entitled to compensation @ Rs.63/- per sq. ft. including the 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 deposit of the said amount, it be paid to the claimants.

V) The claimants shall pay the deficit court fees, if any.

VI) The award be drawn up accordingly.

VII) The record and proceedings be sent back.

8. Civil application for production of documents is rejected, as the map produced alongwith the said civil application is not certified to rely upon.

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

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