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fa 391 26 Adv.A. V.Thombre , Dhekanmoha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 391 OF 2026

Union of India through the General
Manager, Central Railway and others .. Appellants
Versus
Arjun Narayan Phad and Ors. .. Respondents

**AND
FIRST APPEAL NO. 390 OF 2026**

Union of India through the General
Manager, Central Railway and others .. Appellants
Versus
Dadarao Pandurang Phad .. Respondent

**AND
FIRST APPEAL NO. 389 OF 2026
WITH
CIVIL APPLICATION NO. 15118/2023**

Union of India through the General
Manager, Central Railway and others .. Appellants
Versus
Laxman Pandurang Phad .. Respondent

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Shri Ajay G. Talhar, D.S.G.I. for the Appellants in all matters.
Shri Abhijit V. Thombre, Advocate for Respondents/ claimants in
all matters.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 04th MAY, 2026.**

FINAL ORDER :

. Taken up for final disposal with the consent of the parties.



2. The acquiring body has preferred these appeals against common judgment and award dated **01.09.2022** passed in group of Reference Petitions. The rate fixed by the Reference Court for the lands under acquisition and consequential quantum is under challenge. The evidence adduced before the Reference Court is common, hence these appeals are decided by this common order.

3. Appellants have undertaken acquisition for laying down new railway track from Ahmednagar – Beed – Parli. Lands from various villages have been acquired, which resulted into filing of various references. Those were decided by forming groups by the Reference Court. The judgments passed by the Courts are subjected to challenge by the acquiring body as well as the claimants in few of the matters. In the present group the claimants have not preferred any cross objection or appeal. The lands are from village Ghatsawali, Tq. and Dist. Beed.

4. Following are the material particulars :

S r. N o.	First Appeal No.	L.A.R. No.	Gut No.	Area acqui red	Date of Sec. 4 notification	Rate awarded by the SLAO	Rate fixed by the Reference Court.
1	391/2026	413/2016	20	12 R	14.02.2009	Rs. 1180/- per R	Rs. 4000/- per R. Jirayat
2	390/2026	266/2016	153/1	09 R	14.02.2009	Rs. 980/- per R	Rs. 4000/- per R. Jirayat
3	389/2026	269/2016	153/1	05 R	14.02.2009	Rs. 980/- per R	Rs. 4000/- per R. Jirayat



5. The lands of the respondents were acquired by preliminary notification issued on **14.02.2009**. The Special Land Acquisition Officer passed award on **30.11.2011** offering the rate of Rs. 980/- per R to Rs. 1180/- per R. Being aggrieved respondents approached the Civil Court by preferring reference petitions. The Reference Court enhanced the rate to Rs. 4000/- per R for Jirayat land.

6. Mr. Ajay Talhar, learned D. S. G. I. submits that Reference Court committed error of jurisdiction in enhancing the rate which is not supported by adequate material. It is submitted that S. L. A. O. had undertaken due procedure of law and inspection was done. The documents were collected to arrive at market rate. As against that the sale instances placed before the Reference Court were incompatible. It is submitted that considering the location and the potential of the lands under acquisition, the Reference Court erred in enhancing the rate. The Reference Court further committed illegality in granting statutory benefits of solatium and additional component.

7. Per contra, learned counsel appearing for the respondents – claimants supports the impugned judgment and award. It is submitted that claimants – respondents have adduced oral and documentary evidence. The appellants did not adduce any oral evidence. The sale deed at **Exhibit 28** was relied upon. The Reference Court found the sale instance at **Exhibit 28** was compatible. The Reference Court has adopted a reasonable and



practical approach in fixing the rate at **Rs. 4000/-** per R for Jirayat

8. I have considered rival submissions of the parties. I have formulated following points for determination.

- I. Whether the enhancement granted by the Reference Court is liable to be quashed ?
- II Whether the statutory benefits extended by the Reference Court are in accordance with law ?

9. The respondents adduced oral and documentary evidence. The appellants did not lead oral evidence.

10. Point No. I :

The evidence was led by the claimants in **L.A.R. No. 269 of 2016**. The claimants produced sale deed at **Exhibit 28**. The land in the sale instance at **Exhibit 28** was from village **Ghatsawali**. In the present matters lands from self same village have been acquired. The Reference Court, therefore, preferred to rely upon sale deed at **Exhibit 28** for fixing the rate. Accordingly the rate is fixed at **Rs. 4000/-** per R for Jirayat land. I do not find any illegality in the rate fixed by the Reference Court. The discretion has been exercised judiciously and reasonably.

11. No enhancement is granted by Reference Court in compensation for trees. Therefore, the quantum of compensation



to the extent of land is under consideration.

12. There is no reason to discard the rate. There is always some element of guesswork in fixation of the probable market value. It is permissible to have guesstimate as explained by the Hon'ble Apex Court in Trishala Jain V. State of Uttaranchal, reported in *AIR 2011 SC 2458* which is rightly followed by the reference Court. The appellant has failed to make out any case to cause interference in fixing the rate which is reasonable and akin to the market value at the prevalent time.

13. It is noticed that the enhancement granted by the Reference Court is within four times in all the matters. Therefore, the matters are covered by the Government Resolution No. Sankirna – 2014/Prak.Kra. 4/Bham-1/A-4 dated 03rd November, 2016 with Corrigendum dated 23rd February, 2017 and 13th August, 2018 to the said Government Resolution. On that count also the enhancement needs to be upheld.

I answered point No. I against the appellants.

14. Point No. II

The claimants are granted benefits under Section 23(1-A) of the Act. The interest has been awarded in accordance with law laid down in State of Maharashtra V. Kailash Shiva Rangari reported in *2016(3) Mh.L.J. 457*. No case is made out by the appellants to show any fault or illegality in awarding statutory benefits and the interest.



I answered point No. II against the appellants.

15. It is made clear that dismissal of these Appeals preferred by the acquiring body would not bind any other claimants' whose lands have been acquired for the self same project in claiming enhancement of the compensation by preferring independent Appeals or the Cross-Objections. Their claims for any further enhancement would be dealt with in accordance with law and on the basis of the evidence produced on record.

16. It is further clarified that the counsel appearing for the respondents/claimants has made candid statement that his clients are unable to prefer any appeal or cross objection for enhancement in the High Court. They are precluded from claiming enhancement in future.

17. This Court had an occasion to deal with first appeals preferred by the self same acquiring body challenging judgments of the Reference Court arising out of self same purpose of acquisition. This Court dismissed the appeals by assigning elaborate reasons in the matter of **the Executive Engineer, Central Railway, Pune and others Vs. Subhash Narayan Gore and others in First Appeal No. 418 of 2026 with other connected matters vide judgment and order dated 10.04.2026**. I propose to follow the same course in upholding the judgments rendered by the Reference Court in the present



matters also.

18. For the reasons stated above, I do not find that there is any perversity or illegality in the judgment and award passed by the reference Court. The Appeals preferred by the acquiring body sans merit. Hence, I pass the following order :

O R D E R

- A. First Appeals are dismissed.
- B. Award be drawn accordingly.
- C. There shall be no order as to costs.
- D. The amount deposited by the appellants – acquiring body shall be disbursed to the respondents – claimants with accrued interest as per their entitlement.
- E. In case the amount is not deposited, appellants shall make the payment expeditiously.
- F. Civil Application No. 15118/2023 in FA/389/2026 stands disposed of.

[SHAILESH P. BRAHME J.]

mkd/-