



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1568 OF 2020

Madhav s/o Rajaram Banbare,
Age : Major, Occu : Agri.,
R/o. Itgyal, Tq. Mukhed,
District : Nanded

...APPELLANT
(Orig. Claimant)

VERSUS

1. The State of Maharashtra,
Through the Collector, Nanded.
2. The Special L. A. O.,
M. I. W., Nanded
3. The Executive Engineer,
Lendi Project, Degloor,
Tq. Degloor, Dist. Nanded

...RESPONDENTS
(Orig. Respondents)

Mr. Patil Laxmikant C., Advocate for the Appellant.
Mr. V. S. Badakh, AGP for Respondent Nos.1 and 2.
Mr. Gaddime Arvind Namdeorao, Advocate for Respondent No.3.

CORAM : RAJNISH R. VYAS, J.
DATE : FEBRUARY 25, 2026

JUDGMENT :

1. This is an appeal preferred by the claimant challenging the award passed by the Civil Judge Senior Division at Mukhed, Nanded on 26th June 2019 in LAR No.445 of 2012.



2. The learned counsel, Mr. Patil, for the claimant / appellant submits that the Reference Court, while granting compensation, did not take into consideration evidence of the expert witness / valuer – Anil Fhulari, and consequently did not appreciate the report submitted by the valuer. He submitted that there were absolutely no reason to ignore the valuation report, which was below Exhibit 31. He has placed his reliance on the order dated 12th February 2026 passed in First Appeal No.3098 of 2021, by a co-ordinate bench of this Court, wherein the land which was acquired under the same notification and was situated in same village was given compensation by relying upon the report submitted by the valuer. He thus submitted that similar order be passed in the present appeal.

3. Per contra, Mr. Gaddime, learned counsel appearing for respondent No.3 – Acquiring Body, has contended that the award passed by the Reference Court is just and proper and does not require any interference. He submitted that there is no thumb rule that the evidence of expert witness is required to be accepted as it is.

4. With the assistance of the learned counsels, I have gone through the record of the case.



5. The land of the claimant, i.e. old house No.110 and new (Chaita) house No.348, admeasuring 69.00 sq. meters, situated at Itgyal, Tq. Mukhed, Dist. Nanded, was acquired for the purpose of Lendi Project and notification under Section 4 of the Land Acquisition Act was issued on 03rd May 2007. The award under Section 11 was passed on 27th August 2010.

6. The Special Land Acquisition Officer has awarded the compensation of ₹ 3,56,532/-, whereas the Reference Court has granted enhanced compensation of ₹ 1,42,612/-, which comes to only 40% of the compensation awarded by the SLAO. In First Appeal No.3098 of 2021, decided on 12th February 2026, this Court has observed as under :

“4. The acquisition of the house property is for Lendi project and the property is from village Itgyal, Tq. Mukhed, Dist. Nanded. The notification under Section 4 was issued on 03.05.2007 and award was passed under Section 11 on 27.08.2010. Following are the material particulars.

L.A.R. No. & date of decision	First of Appeal No.	House No. and area	L.A.O granted compensation	Reference Court granted enhancement	Valuation and Exh.no. of valuation report.
185/2012 29.05.2019	3098/2021	Old H.No. 224 & new H. No. 109, 126, 127 111 sq. meter	Rs.1,33,872/-	40% Rs.53549/-	Rs.4,05,572/- Exh.29



5. *Appellants have adduced evidence of private valuer and his report is proved and marked as Exhibit 29. The valuation is shown to be of Rs.4,05,572/-. There is no contra evidence adduced by the respondent – acquiring body. This Court has been taking consistent view in accepting the report of the private valuer for enhancing the compensation. A useful reliance can be had to following judgments of this Court :*

(i) **Kashinath s/o Nagnath Vs. State of Maharashtra in First Appeal No.2460/2021 decided on 13.07.2022**

(ii) **Ramesh s/o Govindrao Patil Vs. State of Maharashtra, in First Appeal No. 1814/2023, decided on 18.12.2025.**

6. *The Reference Court has committed patent illegality in awarding the compensation marginally instead of accepting the report of private valuer in entirety. I, therefore, pass following order.*

ORDER

- A. *The first appeal is allowed partly.*
- B. *The appellants are entitled to compensation of Rs.4,05,572/- for the acquired house property.*
- C. *The appellants shall be entitled to receive interest U/Sec. 28 and 34 of the Land Acquisition Act in view of the judgment of the Full Bench of this Court in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]**.*
- D. *Save and except above, the impugned judgment and award shall remain unaltered.*



- E. The appellants shall pay the deficit court fees.*
- F. Award be drawn up accordingly.*
- G. Record and proceedings shall be sent back to the Reference Court.*

7. The valuation report in that case was taken into consideration. In that case also, it was the same valuer who is being relied upon in the present case. As already stated, the subject matter of First Appeal No.3098 of 2021 was land situated in the same village and subject matter of same notification, and consequently, purpose of acquisition was also same.

8. In the present case, the valuer was examined below Exhibit 26 as PW-2, and he had filed his evidence on affidavit, in which he has stated that after carrying out necessary inspection and adopting PWDSR 2006-2007 valuation, he had valued the house property bearing No.110 of ₹ 11,90,856/-. The cross-examination of the aforesaid witness would reveal that, except giving suggestions, nothing fruitful was brought on record. PW-2 has proved Exhibit 30, which was the panchnama; Exhibit 29, which was an application preferred by the claimant requesting him to value the property; Exhibit 31, the valuation report; and Exhibit 32, the map of the property in question.



9. Exhibit 31 shows that while arriving at a particular rate, several factors were taken into consideration. As there is absolutely no proper challenge to the report of the valuation and considering the order dated 12th February 2026, in which the valuation report was relied upon and consequently the compensation was enhanced, I am of the view that similar course can be adopted.

10. Accordingly, following order is passed :

ORDER

- A. The appeal is partly allowed.
- B. The appellant is entitled to compensation of ₹ 11,90,856/-, for the acquired house property.
- C. The appellants shall be entitled to receive interest U/Sec. 28 and 34 of the Land Acquisition Act in view of the judgment of the Full Bench of this Court in the matter of State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141].
- D. Save and except above, the impugned judgment and award shall remain unaltered.
- E. The appellants shall pay the deficit court fees.



- F. Award be drawn up accordingly.
- G. Record and proceedings shall be sent back to the Reference Court.

(RAJNISH R. VYAS, J.)