IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 FIRST APPEAL NO. 3849 OF 2023

Subhash Murhari Golawar
Age – 45, Occ – Agril.,
R/o. Shirnal, Tq. Chakur,
District – Latur. ….Appellant
[Orig. Claimant]

VERSUS

1. The State of Maharashtra,
Through The Collector, Dist. Latur.

2. The Executive Engineer,

3. Special Land Acquisition Officer,
(Swarna Project), Latur. ....Respondents

….

WITH

FIRST APPEAL NO. 3861 OF 2023

Balaji Ramchandra Tikate
Age – 55 years, Occu: Agriculturist,
R/o Kalkoti (Shirnal), Tq. Chakur,
District – Latur. .....Appellant
[Orig. Claimant]

VERSUS

1. The State of Maharashtra,
Through The Collector, Dist. Latur.

2. The Executive Engineer,

3. Special Land Acquisition Officer,
(Swarna Project), Latur.

.....Respondent

…..

Mr. S. S. Halkude, Advocate for Appellant/s
Mr. V. M. Chate, AGP for Respondent Nos.1 to 3

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CORAM : NEERAJ P. DHOTE, J.
DATE : 06.07.2026

COMMON JUDGMENT :

1. These are the First Appeals under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as ' the L. A. Act') by the Original Claimants for further enhancement in the compensation. The Appeals arise out of the Common Judgment and Award dated 03.02.2012 passed by the learned Ad-hoc District Judge-1, Latur in Land Acquisition Reference (LAR) Nos.545/2009 and 546/2009. Since common evidence was led by the Claimants before the learned Reference Court and common submissions are made by both sides, these Appeals are decided by this Common Judgment.

2. The land acquisition proceedings were initiated for acquisition of land for "*Kalkoti Percolation Tank No.4*" in Village – Kalkoti, Taluka – Chakur, District – Latur. A notification under Section 4 of the L. A. Act was published in the Government notification on 13.05.2004, and the final Award came to be passed on 30.03.2007. The land of Claimant – Subhash in LAR No.545/2009 was from Gat No.68, admeasuring 1 Hectare 58 R., and the land of Claimant – Balaji in LAR No.546/2009 was from Gat No.175, admeasuring 0 H. 71 R. The Special Land Acquisition Officer (hereinafter referred to as 'the SLAO') determined the rate of Rs.1,150/- per R. Being not satisfied with the compensation determined by the SLAO, the Claimants preferred the said Reference Applications for enhanced compensation. In support of

their claim, they examined the Claimant – Subhash Murhari Golawar, i.e. the Claimant in LAR No.545/2009. The Claimant brought on record the sale instance below Exhibit – 18 from Village – Kalkoti, out of Gat No.145/KH, admeasuring 67 R., dated 27.12.2001, for Rs.2,50,000/-. No evidence was led by the State and Acquiring Body. Considering the evidence on record, the learned Reference Court enhanced the compensation @ Rs.1,00,000/- per Acre, i.e. Rs.2,500/- per R. with the statutory benefits.

3. Heard the learned Advocate for the Appellants and the learned AGP for Respondents - State. With their assistance, perused the papers.

[A] It is submitted by the learned Advocate for the Claimants that, the land of the Claimant – Balaji was from the very same village – Kalkoti of which the sale instance was brought on record. The land of the Claimant – Subhash was from the village – Shirnal, which was at a distance of less than one (01) kilometer from the village Kalkoti. The learned Reference Court enhanced the compensation by meager amount without giving any reasons. The land under the sale instance was dry land and the acquired lands of both the Claimants were also dry land. He submitted that, by considering all the aspects, the learned Reference Court ought to have considered the deductions of 20% to 25% at the most. He submitted that, appropriate enhancement in the compensation be granted along with the statutory benefits.

[B] It is submitted by the learned AGP that, though the Respondents – State has not challenged the Judgment and Award passed by the learned Reference Court, the enhanced compensation was on higher side. He submitted that, the evidence on record shows that, the earlier land of the mother of the purchaser in the sale instance was adjacent to the land under the sale instance, and therefore the sale instance was executed for higher rate, i.e. Rs.1,50,000/- per Acre. Thus, the said sale instance will not be of any assistance to the Claimants. The distance between village – Shirnal and village – Kalkoti was much more. No interference was called for in the impugned Judgment and Award and the Appeals be dismissed.

4. There is no dispute in respect of the above-referred extent of land of the Appellants acquired by the State and the purpose for which the lands were acquired, i.e. *Kalkoti Percolation Tank*. Undisputedly, the land of the Claimant – Balaji in First Appeal No.3861/2023 was from the same village, i.e. Kalkoti of which the sale instance was brought on record. Further, undisputedly the land of the Claimant – Subhash, the Appellant in First Appeal No.3849/2023, was from the village – Shirnal. The Claimant – Subhash examined himself before the learned Reference Court in support of all the claim reference applications. His cross-examination shows that, the village – Shirnal and village – Kalkoti were at the distance of ten (10) to eleven (11) kilometers from Taluka – Chakur. The learned Reference Court observed that, the villages – Shirnal and Kalkoti were at the distance of about one (01) kilometer. The said observation is based on the evidence on record. Nothing is shown that, the said observation in respect of

the distance between two (02) villages was erroneous. Therefore, it is clear that, the village – Shirnal and village – Kalkoti were adjacent to each other.

5. The claim for enhanced compensation is based on the sale instance below Exhibit – 18, which was brought on record before the learned Reference Court. The rate of sale transaction was Rs.1,50,000/- per Acre on 27.12.2001 for 67 R. land. The evidence, as discussed by the learned Reference Court, shows that, the Claimant – Subhash in his cross-examination admitted that, the mother of the purchaser in the sale deed was having the adjacent land to the land under the sale instance. The observation in the Judgment by the learned Reference Court further shows that, it was pointed from the record that, the land under the sale instance was towards the eastern side of the land of the purchaser of mother. From this, I find some substance in the submissions of the learned AGP that, the sale deed was executed at higher rate. The land under the sale instance was 67 R. The extent of acquired land is 0.71 R. and 1 Hectare 58 R. Considering these aspects of the matters, some deduction from the rate of land under the sale deed will have to be considered. Appropriate deduction would be 25%. Thus, the market rate on the date of sale deed would be Rs.1,12,500/-. The sale instance was of December – 2001 and the Section 4 notification was dated 13.05.2004, i.e. two (02) years, five (05) months after the sale deed. As per normal rule, hike of 10% per annum will be appropriate. Therefore, by considering 10% per annum hike, the rate would come to Rs.1,40,000/- and odd per Acre. The same is rounded to Rs.1,40,000/- per Acre.

6. As far as the interest is concerned, the learned Reference Court has granted the same from the date of Section 4 notification. It is needless to state that, the interest would be computed from the date of final award as per the decision by this Court in **State of Maharashtra Vs. Kailash Shiva Rangari; 2016 (4) All MR 513**.

7. In view of the above, the following order is passed :

ORDER

[a] The First Appeals are partly allowed, with no order as to costs.

[b] The Appellants / Claimants are held entitled for compensation @ Rs.1,40,000/ - per Acre for the acquired lands with statutory benefits on the said amount.

[c] The interest shall be calculated as per the Judgment of this Court in **State of Maharashtra Vs. Kailash Shiva Rangari; 2016 (4) All MR 513**.

[d] The Appellants shall pay the deficit courts fee.

[e] The Award passed by the learned Reference Court stands modified to the above extent.

[f] The Record and Proceedings be sent back to the learned Reference Court.

[g] The State is expected to deposit the amount of enhanced compensation within a period of six (06) months.

[h] First Appeals are disposed of accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/July-2026