



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1119 OF 2018

The Executive Engineer
Minor Irrigation Division Latur & Anr. ...Appellants

Versus

Babulal Bansilal Toshniwal ...Respondent

Ms. Gangwal Madhubala B., Advocate for the Appellants.

CORAM : RAJNISH R. VYAS, J.

DATE : JANUARY 09, 2026

ORAL JUDGMENT :

1. Heard. **Admit.** Ms. Madhubala Gangwal, learned counsel appearing for the appellants / acquiring body

2. The present appeal takes exception to the judgment delivered on 18th September 2012, passed by the Civil Judge, Senior Division, Nilanga, in Land Acquisition Reference No.08 of 2004, by which Land Acquisition Reference No.08 of 2004 was partly allowed with proportionate costs. It was held that the claimant / respondent was entitled to recover enhanced compensation @ ₹2100/- (Rs. Two Thousand One Hundred) per R for 17 R land, with 30% solatium and 12% interest from the date of notification under Section 4 of the Land Acquisition Act, till the date of award, after deducting the

compensation withdrawn of ₹ 18,742/-. The claimant was also held entitled to receive 9% interest per annum for one year from the date of notification under Section 4 of the Act and also to recover 15% interest per annum from 25th August 2001 till entire realization of amount.

3. Assailing the said judgment, the learned counsel for the appellant submitted that the Court should not have taken into consideration Exhibit 27, which is the sale deed / sale instance. So far as Exhibit 27 is concerned, this is the land, which is admittedly situated at a distance of 500 meters from the acquired land. According to the learned counsel for the appellant, since it was a small piece of land, the said evidence should have been ignored.

4. I have gone through the record of the case and heard the learned counsel for the appellant at length. While dealing with Exhibit 27, the learned Court has given the following findings, which are reproduced hereinbelow.

“19. The land of sale instance Exh.27 is near to the river. It is of less area and claimant deposed that his land is at the distance of 500 meter from the land of sale instance Exh.27. Both lands are on bank of river. So, I accept the sale deed Exh.27. But for determining proper price in consonation of

guidelines given in authority cited supra, I decrease the price of the said sale instance by 60%. Then market price of the said land comes to Rs.1400/- per R. So, I held that market price of the dry land is @ Rs.1400/- per R. and Rs.2100/- per R. for seasonal irrigated land at the time of acquisition.”

5. Thus, it is crystal clear that while relying upon Exhibit 27, the necessary deductions were also made by applying the law laid down by the Hon'ble Apex Court in the case of Ravinder Narain and another Vs. Union of India¹. The Trial Court has also observed in the judgment that Exhibit 27, so also the acquired land, is situated on the bank of river, and thereafter, for awarding the compensation, the price was decreased, which is clear from the findings given at paragraph No.17 of the judgment. Since the only question argued was regarding the applicability of Exhibit 27, I find that, in view of the proper consideration of evidence and the findings given by the Trial Court, more particularly at paragraph No.17, there is no any merit in the appeal. The appeal is accordingly, dismissed.

(RAJNISH R. VYAS, J.)

1 AIR 2003 sc 1987