



NON-REPORTABLE

2025 INSC 1348

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2025
(Arising out of SLP(C) No. of 2025)
Diary No. 25098 of 2025

Ashok s/o Vitthalrao Jagtap ...Appellant

versus

The State of Maharashtra and Ors. ...Respondents

with

CIVIL APPEAL NO. OF 2025
(Arising out of SLP(C) No. of 2025)
Diary No. 25113 of 2025

CIVIL APPEAL NO. OF 2025
(Arising out of SLP(C) No. of 2025)
Diary No. 25784 of 2025

CIVIL APPEAL NO. OF 2025
(Arising out of SLP(C) No. 28986 of 2025)

CIVIL APPEAL NO. OF 2025
(Arising out of SLP(C) No.28985 of 2025)

CIVIL APPEAL NO. OF 2025
(Arising out of SLP(C) No.28984 of 2025)

CIVIL APPEAL NO. OF 2025
(Arising out of SLP(C) No. 32771 of 2025)

and

CIVIL APPEAL NO. OF 2025
(Arising out of SLP(C) No. 32770 of 2025)

JUDGMENT

B.R. GAVAI, CJI

- 1.** Delay condoned.
- 2.** Leave granted.
- 3.** The present batch of appeals challenge the common judgment and final order dated 21st April 2022, passed by a learned Single Judge of the High Court of Judicature at Bombay, Bench at Aurangabad (hereinafter, "High Court"), whereby the First Appeals filed by the claimants/Appellants came to be *dismissed*.

FACTS

- 4.** The facts, *in brief*, giving rise to the present appeals are as given below:
 - 4.1.** The details of the land pertaining to each of the Appellants have been provided at Sr. Nos. 1, 2, 4, 10, 14, 17, 19 and 20 in chart available at paragraph 28 of the impugned judgment.
 - 4.2.** It appears that the land of the Appellants and other adjoining lands were sought to be acquired in the 1990s under the provisions of the *Maharashtra Industrial Development Act*,

1961 (hereinafter, “Act of 1961”) for setting up an Industrial Area near Jintur town in Parbhani District.

4.3. On 16th January 1992, the Land Acquisition Officer & Deputy Collector, Hingoli (hereinafter, “Land Acquisition Officer”) issued a notice under sub-section (2) of Section 32 of the Act of 1961.

4.4. On 6th December 1994, the Respondent-State took possession of the Appellants’ land and an Award came to be passed by the Land Acquisition Officer. In terms of the said Award, the total area subject matter of the acquisition was 89 Hectares and 44 Are and the total compensation awarded was Rs. 45,70, 508/-.

4.5. Being aggrieved by the quantum of compensation awarded, the Appellants accepted the compensation under protest and simultaneously filed a Reference under Section 18 of the Land Acquisition Act, 1894 (hereinafter, “LA Act”) in the year 1997.

4.6. *Vide* judgment and award dated 7th June 2007, in L.A.R. No. 61 of 1997, the Court of Principal District Judge, Parbhani (hereinafter, “Reference Court”), *partly allowed* the reference with proportionate costs and enhance the compensation.

4.7. The same was carried in an appeal, however, the batch of appeals was *dismissed* by the learned Single Judge of the High Court.

4.8. Being aggrieved thereby, the present appeals came to be filed by way of special leave.

SUBMISSIONS

5. We have heard Mr. Adith Satish Deshmukh, learned counsel appearing for the Appellant, Mr. Shreenivas Patil, learned counsel appearing for the Respondent No. 1 – State and Ms. Shyamali Gadre, learned counsel for Respondent No.3 – Maharashtra Industrial Development Corporation.

6. Mr. Deshmukh submitted that this Court *vide* judgment and order dated 28th July 2025 in Civil Appeal No. 9870 of 2025 and connected matters titled as "**Manohar & Others v. The State of Maharashtra and Others**" has allowed the appeals of some of the other landowners whose cases were decided by the common impugned judgment and order. He, therefore, submits that on parity the present appeals also deserve to be allowed.

7. Ms. Gadre appearing on behalf of the Respondent No. 3, on the contrary, submitted that there is distinction between the

present cases and the cases which were decided by this Court in the earlier round. She submitted that lands in the present case are situated far away from the town of Jintur. She, therefore, submitted that in the event this Court is inclined to allow the appeals, the deduction to be made should be on higher side.

DISCUSSION

8. We have heard learned counsel for the parties. We have also perused the material placed on record.

9. We find that the contention as raised by the learned counsel for Respondent No.3 is without substance.

10. It will be relevant to refer the paragraph 46 of the impugned judgment and order, which reads as under:

“46. It is material to note that the acquired lands are selected for acquisition. It is evident from the testimony of the claimants that the acquired lands are more convenient for the establishment of M.I.D.C. Jintur. Water facility is also available at a short distance from the acquired lands. The stock of evidence produced by the claimants regarding the proximity of the acquired lands with Jintur town coupled with facilities available and advantages is not any way challenged by way of cross-examination. Certainly, the argument advanced by the learned counsel for the M.I.D.C. that the acquired lands are at a distance of 5 k.m.

away from the Jintur town cannot be accepted. The claimants have also placed on record the documentary evidence in the nature of village map of Pungala and map of Jintur town in order to show the proximity. The learned reference Court has rightly considered the village map of Pungala and map of Jintur town and the location of acquired lands in para 11 of the impugned judgment. **It is rightly held by the reference Court that the acquired lands are adjacent to Jintur town.** There are hills in between the lands and village Pungala and the acquired lands and they are near to Jintur town rather than from Pungala. **The acquired lands are situated near T-point of Nashik-Nirmal State Highway. It is also observed by the reference Court that the acquired land has N.A. potentiality. The percolation tank is just opposite to the acquired lands, it has sufficient water. As such, selection of the acquired lands for acquisition for establishment of M.I.D.C. indicates their prime location as observed by the reference Court.”**

(emphasis added)

11. A perusal of the aforesaid reveals that, upon examining the documentary evidence, the learned Single Judge of the High Court concurred with the findings of the Reference Court that the acquired lands are adjacent to the Jintur Town. It was found that there are hills in between the lands and village Pungala and the acquired lands are closer to Jintur town rather than to Pungala. It was further found that the lands are situated near the T-point of Nashik-Nirmal State Highway.

It was also found that the land in question has N.A. (non-agriculture) potentiality.

12. We find that most of the land involved in the present cases is either irrigated land or just situated adjacent to the Highway.

13. *Vide* judgment and order dated 28th July 2025 in **Manohar** (supra), this Court has held that the ten sale exemplars placed before the Reference Court by the claimants/landowners were found to be of small plots of the land, each of them being less than 1 Hectare, in the Jintur town. We had, therefore, while accepting the sale exemplars concurred with the conclusion of the Reference Court that a reasonable reduction requires to be made. Accordingly, while granting compensation as per the highest sale exemplar dated 31st March 1990, having market value of Rs. 72,900/- per Acre, we deemed it appropriate to apply a deduction of 20% i.e., Rs. 14,580 per Acre.

CONCLUSION

14. Taking an overall view of the matter, we are of the considered view that the Appellants being similarly situated to the ones before this Court in the case of **Manohar** (supra), the present appeals also deserve to be allowed in the same terms.

15. Pertinently, we had while issuing notice in some of the present appeals, observed that the Appellants shall not be entitled to the interest for the period of delay in filing the Special Leave Petition. Accordingly, we find that the Appellants shall not be entitled for the same.

16. In the result, we pass the following order:

- i. The present batch of appeals are allowed;
- ii. The judgment and final order dated 21st April 2022, passed by the learned Single Judge of the High Court is quashed and set aside;
- iii. The judgment and award dated 7th June 2007 passed by the Reference Court is quashed and set aside;
- iv. We direct that the compensation granted to the Appellants be enhanced from Rs. 32,000/- per Acre to Rs. 58,320/- per Acre; and
- v. We further direct that all other consequential benefits of solatium and interest on the enhanced compensation in terms of Section 23(1-A), 23(2) and 28 of the Land Acquisition Act, 1894, be granted to the Appellants. They will, however, not be entitled for

any interest for the period of delay in filing the present appeals.

17. Pending applications, if any, are disposed of.

.....**CJI**
(B.R. GAVAI)

.....**J**
(K. VINOD CHANDRAN)

NEW DELHI;
NOVEMBER 18, 2025.