



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 85 OF 2019

- 1) MOHAMMAD WAHIDUDDIN MOHD. YASIN.
Since deceased through L.Rs.:-
 - 1-A) Mohd. Adnan S/o. Ahemuddin,
Age: 42 Years, Occu. Business,
R/o. Mominpura, Aurangabad
 - 2) Mohammad Saiduddin, S/o Mohammad Yasin,
Deceased through L.rs.
 - 2-A) Wasim Sultana Mohammed Saiduddin
Age: 68 years, Occ.: Household,
R/o. House No.3-5-132, Manzurpura, Aurangabad.
 - 2-B) Mohammed Haseebuddin Mohammed Saiduddin
Age: 47 years, Occ.: Business,
R/o. House No. 3-5-132, Manzurpura, Aurangabad.
 - 2-C) Mohammed Nadimuddin Mohammed Saiduddin
Age: 42 years, Occ.: Business,
R/o. House No. 3-5-132, Manzurpura, Aurangabad.
 - 2-D) Mohammed Tehminuddin Mohammed Saiduddin
Age: 38 years, Occ.: Business,
R/o. House No. 3-5-132, Manzurpura, Aurangabad.
 - 2-E) Saba Nazneen Mohammed Saiduddin
Age: 42 years, Occ.: Household,
R/o. House No.3-5-132, Manzurpura, Aurangabad.
 - 2-F) Tayyaba Nazneen Shaikh Zubair
Age: 34 years, Occ.: Household
R/o. House No.8-8-555, Rashidpura, Aurangabad.

(Amendment carried out as per order

dt.26.09.2025 passed by this Hon'ble Court
in Civil Application No.31 of 2025)

- 3) Mohd. Ahmeduddin S/o. Mohd. Yasin,
Age: 75 years, Occu: Business,
R/o. As above.

...APPELLANTS
(Orig.Claimants)

VERSUS

- 1) THE STATE OF MAHARASHTRA.
Through the Collector, Aurangabad.
- 2) City and Industrial Development
Corporation Ltd.,
Through its Administrator,
Udyog Bhavan, CIDCO, Aurangabad

...RESPONDENTS
(Orig. Respondents)

...

**WITH
FIRST APPEAL NO. 907 OF 2019**

CIDCO Aurangabad
through its Administrator,
Udyog Bhavan, CIDCO Aurangabad.

...APPELLANT
(Orig.Resp.No. 2)

VERSUS

1. Imtiyaz Khan S/o Sardar Khan,
Minor u/g of ZakiyaBanu W/0
Sardar Khan,
Age: 40 Yrs, Occu: Agriculture,
R/o Manjoorpura, Aurangabad.
2. State of Maharashtra,
Through The Collector,

Aurangabad.

...RESPONDENTS
(Resp. No. 1 Orig. Claimant
Resp. No. 2 Orig. Resp. No.1)

...

WITH
CIVIL APPLICATION NO. 8309 OF 2019
IN FA/907/2019
(For leading additional evidence)

CIDCO AURANGABAD THR ITS ADMINISTRATOR,
AURANGABAD

VERSUS

IMTIYAZ KHAN SARDAR KHAN MINOR U/G OF
ZAKIYABANU W/O SARDAR KHAN AND ANR

...

WITH
FIRST APPEAL NO. 908 OF 2019

CIDCO AURANGABAD
THROUGH ITS ADMINISTRATOR,
AURANGABAD.

...APPELLANT
(Orig. Resp. No.2)

VERSUS

1. MOHAMMED WAHIDUDDIN S/O MOH.
(DIED THR LRS)

1-a) Mohd. Adnan S/o. Ahmeduddin,
Age: 18 Years, Occu. Student,
R/o. Mominpura, Aurangabad

2) Mohammad Saiduddin, S/o Mohammad Yasin,
Deceased through L.rs.

- 2-A) Wasim Sultana Mohammed Saiduddin
Age: 68 years, Occ.: Household,
R/o. House No.3-5-132, Manzurpura, Aurangabad.
- 2-B) Mohammed Haseebuddin Mohammed Saiduddin
Age: 47 years, Occ.: Business,
R/o. House No. 3-5-132, Manzurpura, Aurangabad.
- 2-C) Mohammed Nadimuddin Mohammed Saiduddin
Age: 42 years, Occ.: Business,
R/o. House No. 3-5-132, Manzurpura, Aurangabad.
- 2-D) Mohammed Tehminuddin Mohammed Saiduddin
Age: 38 years, Occ.: Business,
R/o. House No. 3-5-132, Manzurpura, Aurangabad.
- 2-E) Saba Nazneen Mohammed Saiduddin
Age: 42 years, Occ.: Household,
R/o. House No.3-5-132, Manzurpura, Aurangabad.
- 2-F) Tayyaba Nazneen Shaikh Zubair
Age: 34 years, Occ.: Household
R/o. House No.8-8-555, Rashidpura, Aurangabad.
- 3) Mohd. Ahmeduddin S/o. Mohd. Yasin,
Age: 50 years,
Occu and R/o. As above.
- 4) State of Maharashtra.
Through the Collector,
Aurangabad.

...RESPONDENTS
(Nos.1 to 3 : Orig. Claimants
No.4 : Orig. Resp. No.1)

...

WITH
CIVIL APPLICATION NO. 3747 OF 2019
IN FA/908/2019
(For staying the impugned award)

CIDCO AURANGABAD THR ITS ADMINISTRATOR,
AURANGABAD
VERSUS
MOHAMMED WAHIDUDDIN S/O MOH. (DIED) THR LRS
MOHD. ADNAN S/O AHMEDUDDIN AND ORS

...

WITH
CIVIL APPLICATION NO. 8333 OF 2019
IN FA/908/2019
(For leading additional evidence)

CIDCO AURANGABAD THR ITS ADMINISTRATOR,
AURANGABAD
VERSUS
MOHAMMED WAHIDUDDIN S/O MOH. (DIED) THR LRS
MOHD. ADNAN S/O AHMEDUDDIN AND ORS

...

Shri Anand P. Bhandari a/w Shri Anil P. Malani, Advocates for
the claimants.
Mrs. Jayashri P. Reddy, AGP for the State of Maharashtra.
Shri Shambhuraje V. Deshmukh, Advocate for the acquiring
body/ CIDCO.

...

CORAM : KISHORE C. SANT
&
SUSHIL M. GHODESWAR, JJ.

Reserved on : 10 February 2026
Pronounced on : 25 February 2026

JUDGMENT (Per Sushil M. Ghodeswar, J.) :-

1. Heard the learned advocates for the respective
parties.

2. Since these First Appeals arise out of the same award dated 21.12.1992 passed by the Special Acquisition Officer in File No.LAQ/SU/III of 1992-93 and identical judgments and awards dated 16.11.2018 delivered by the Reference Court (learned Civil Judge, Senior Division, Aurangabad) in L.A.R. No.215/1997 (Old LAR No.188/1993) and L.A.R. No.162/1997 (old LAR No.189/1993), hence, they are being decided by this common judgment. Details of the proceedings are as under:-

Sr.No.	First Appeal No.	Filed by	LAR No.	Impugned award dt.
1.	85/2019	Claimants for enhancement	215/1997 (Old LAR No.188/1993)	16.11.2018
2.	908/2019	Acquiring body/ CIDCO	215/1997 (Old LAR No.188/1993)	16.11.2018
3.	907/2019	Acquiring body/ CIDCO	162/1997 (Old LAR No.189/1993)	16.11.2018

3. For the sake of brevity, the parties are referred to by their nomenclature in the LAR proceedings.

4. It is stated that the acquired lands are from Gat Nos.125 and 127 situated at village Satara, Taluka and District Aurangabad. The notification under Section 126(4) of the Maharashtra Regional and Town Planning Act, 1966, was issued on 16.12.1990, which is equivalent to the notification under Section 4 of the Land Acquisition Act, 1894, for acquisition of the lands of the claimants for the purpose of planned development of city of Aurangabad. After completion of all formalities, the final award came to be passed by the Special Land Acquisition Officer on 21.12.1992.

5. However, it is the contention of the claimants that the compensation awarded by the Special Land Acquisition Officer was meager and therefore, they have filed the above LAR proceedings before the Reference Court. The Reference Court vide the impugned judgment and award dated 16.11.2018 enhanced the compensation to the tune of Rs.500/- per sq. mtr.. Operative orders of the learned Reference Court read thus:-

In LAR No.215/1997:-

“ORDER

1) Reference Petition is allowed with cost.

- 2) *The respondents shall pay enhanced compensation to the tune of Rs.500/-per Sq.Mtr. to claimants for their 70% acquired land i.e. 80,360 Sq.Mtr. after deducting the compensation already paid by S.L.A.O.*
- 3) *The respondents shall pay 30% solatium to claimants on enhanced amount as per section 23(2) of the Land Acquisition Act.*
- 4) *The respondents shall pay 12% additional increase to the claimants from the date of notification u/s. 4 of the Act till the date of award on enhanced compensation as per section 23(1-a) of the Land Acquisition Act.*
- 5) *The respondents shall pay to claimants an interest @ 9% Per annum for one year from the date of notification u/s. 4 and, thereafter, @ 15% Per annum till realization of entire enhanced compensation.*
- 6) *Deficit court fees, if any, be recovered from the claimants.*
- 7) *Formulate the award accordingly.”*

In LAR No.162/1997:-

“ORDER

- 1) *Reference Petition is allowed with cost.*
- 2) *The respondents shall pay enhanced compensation to the tune of Rs.500/-per Sq.Mtr to claimant for his 70% acquired land i.e. 13720 Sq.Mtr. after deducting the compensation already paid by S.L.A.O.*
- 3) *The respondents shall pay 30% solatium to claimant on enhanced amount as per section 23(2)*

of the Land Acquisition Act.

- 4) *The respondents shall pay 12% additional increase to the claimant from the date of notification u/s. 4 of the Act till the date of award on enhanced compensation as per section 23(1-a) of the Land Acquisition Act.*
- 5) *The respondents shall pay to claimant an interest @9% Per annum for one year from the date of notification u/s. 4 and, thereafter, @ 15% Per annum till realization of entire enhanced compensation.*
- 6) *Deficit court fees, if any, be recovered from the claimants.*
- 7) *Formulate the award accordingly.”*

6. Being aggrieved by these judgment and awards dated 16.11.2018, the claimants have filed First Appeal No.85/2019 for enhancement of compensation, whereas, the acquiring body/ CIDCO filed the two First Appeal Nos.907/2019 and 908/2019 for quashing and setting aside the impugned judgments and awards enhancing compensation.

7. During the course of hearing, the learned advocate Shri Deshmukh appearing for the acquiring body/ CIDCO, submitted that the learned Reference Court has committed grave error while enhancing compensation. The learned Reference

Court has erroneously relied upon the judgment dated 03.08.2000 passed in LAR No.861/1997, 862/1997 and 863/1997. According to the learned advocate, the learned Reference Court ought to have seen that the acquired lands in the said judgment dated 03.08.2000 were neither identical nor adjacent to each other. The lands acquired in the present matter and the lands acquired in the judgment dated 03.08.2000 were acquired by different notifications, therefore, same ratio cannot be applied. The learned Reference Court in fact relied upon the judgment which was pertaining to the developed lands from village Garkheda, however, in the matter in hand, the acquired lands are from village Satara. Shri Deshmukh submitted that the adjoining lands to the acquired lands from village Garkheda were already developed prior to issuance of the notification in the case of judgment dated 03.08.2000. Shri Deshmukh also submitted that the rates of leasehold plots declared by the acquiring body/ CIDCO for the developed area, cannot be the basis for determining the valuation of the acquired lands in the present matter.

8. The learned advocate Shri Deshmukh further

submitted that the learned Reference Court has committed mistake by considering sale instances which were not filed by the claimants and thus, has committed further error by relying on the judgment in respect of another land which has no semblance to the land in question. In this regard, Deshmukh has invited attention of this Court to Civil Application Nos.8309/2019 and 8333/2019, which are filed for leading additional evidence in the shape of certified copies of the registered sale deeds and prayed for exhibiting and reading those documents in evidence as contemplated under Order 41 Rule 27 of the Civil Procedure Code, 1908. According to him, there are various sale deeds pertaining to the lands from villages Satara and Garkheda and the said transactions took place prior to the issuance of notification under Section 126(4) of the MRTP Act. Shri Deshmukh heavily relied upon the said sale instances to submit that adjacent lands situated at village Satara were acquired vide earlier notification dated 01.01.1987 and award dated 14.12.1988 and those claimants had preferred the reference proceedings before the Reference Court, which were allowed. Thereafter, the claimants as well as the acquiring body filed the First Appeals before this Court. Vide the judgment dated 11.07.2003 delivered by this

Court, the said First Appeals were decided and the rate of Rs.1,20,000/- per hector was confirmed. The judgment dated 11.07.2003 is confirmed by the Hon'ble Supreme Court. Thus, according to Shri Deshmukh, the judgment dated 11.07.2003 delivered by this Court would be the basis for determining the market valuation in the present matter because the said lands are from same village.

9. Shri Deshmukh further submitted that the learned Reference Court has erroneously relied upon lease rate of Rs.600/- per sq. mtr. declared by the acquiring body/ CIDCO for the leasehold properties in developed area of Aurangabad City. According to him, the said rate can be considered only after taking into account the huge cost incurred for land acquisition, development of layout, internal roads, development of amenity and open spaces. Therefore, the rate granted by the learned Reference Court while enhancing compensation in this case, is exorbitant and high and as such, same cannot be taken into consideration.

10. Shri Deshmukh further submitted that the learned Reference Court ought to have considered that the award was

rightly passed by the Special Land Acquisition Officer on the basis of prevailing market rates at the time of notification under Section 126(4) of the MRTP Act and therefore, the same was just and proper. However, the learned Reference Court has erroneously enhanced the compensation, which the claimants are not entitled to receive. The Reference Court has committed an error in not considering evidence on record in proper perspective and has wrongly enhanced compensation. Shri Deshmukh, therefore, prayed for setting aside the judgments and orders passed by the learned Reference Court.

11. In support of his above submissions, the learned advocate Shri Deshmukh has relied upon several judgments of this Court as well as the Hon'ble Supreme Court. He specifically relied upon the judgment of the Hon'ble Supreme Court in *Lal Chand vs. Union of India and another, (2009) 15 SCC 769*, to submit that the deductions for development charges are upto 75%. The learned advocate Shri Deshmukh also relied upon the judgment of this Court in *Sahebrao Bhausaheb Kalate vs. State of Maharashtra and others (2020 (2) Mh.L.J. 210)* and the judgment of the Hon'ble Supreme Court in *General Manager, Oil*

and Natural Gas Corporation Limited vs. Rameshbhai Jivanbhai Patel and another, (2008) 14 SCC 745, to submit that post notification sale deeds cannot be considered. He also relied upon the judgment of the Hon'ble Supreme Court in *Kanwar Singh vs. Union of India, AIR 1999 SC 317*, to submit that the compensation awarded to the claimants from adjoining village, cannot be relied upon.

12. On the other hand, the learned advocate Shri Bhandari appearing for the claimants submitted that the notification under Section 126(4) was issued on 16.12.1990 and the award by the Special Land Acquisition Officer came to be passed on 21.12.1992. By virtue of the said award, the compensation came to be granted at the rate of Rs.22.50 per square meter i.e. Rs.2,25,000/- per hectore. The claimants filed the reference claiming enhanced compensation at the rate of Rs.600/- per square meter along with statutory benefits. However, the learned Reference Court has erroneously granted the rate of Rs.500/- per square meter. According to the learned advocate Shri Bhandari, voluminous documents were produced before the Reference Court in the form of sale instances of the years 1991

and 2010 wherein the rates were shown at around Rs.287/- in 1991 and Rs.3785/- per square meter in 2010. The rate list of CIDCO for the year 1991 and 1992 was also produced before the Reference Court wherein, the rates were shown as Rs.600/- per square meter. The lease deed executed by the CIDCO in 2010 for the period 60 years disclosed the rate at Rs.3785/- per square meter. The list of awards delivered in LAR Nos.861/1997, 862/1997 and 863/1997 were also produced on record to show that enhanced compensation of Rs.600/- per square meter was granted by deducting 30% development charges. By relying on these documents, Shri Bhandari submitted that the Reference Court ought to have enhanced compensation.

13. Shri Bhandari invited attention of this Court to exhibit 50 which is the sanctioned plan by the Government of Maharashtra in respect of the property acquired by the CIDCO, to submit that the CIDCO utilized 100% land for development. Shri Bhandari also invited attention of this Court to the maps to point out that the land which has been acquired by the CIDCO in village Garkheda is adjoining to the north side of acquired land in Gat Nos.125, 126/1 and 127 of village Satara. Shri Bhandari

submitted that the learned Reference Court has granted compensation of Rs.600/- per square meter in respect of the land from village Garkheda where the notification was published on 05.12.1991. This judgment in respect of the lands at Garkheda was assailed before this Court in First Appeal No.416/2000 and this Court vide judgment dated 13.02.2018 decided the said First Appeal and maintained the rate ordered by the Reference Court. The judgment of this Court is also confirmed by the Hon'ble Supreme Court and thus, the rate of Rs.600/- per square meter to the lands acquired from village Garkheda was confirmed upto the Hon'ble Supreme Court. However, the Reference Court has erroneously ignored this aspect in the present case.

14. In support of his submissions, Shri Bhandari has relied upon several judgments of the Hon'ble Supreme Court and this Court. He specifically relied upon the judgment of the Hon'ble Supreme Court in *Chimanlal Hargovinddas vs. Special Land Acquisition Officer, Poona and another, AIR 1988 SC 1652*, wherein, it is held that the market value of the land must be determined as on crucial date of publication of notification. Shri Bhandari has heavily relied upon the judgment of the Hon'ble

Supreme Court in *Mehrawal Khewaji Trust Faridkot vs. State of Punjab and others*, AIR 2012 SC 2721, wherein it is held that when there are several exemplars with reference to similar lands, it is the general rule that the highest of exemplars, if it is bonafide transaction, has to be considered. Shri Bhandari further relied upon the judgments of the Hon'ble Supreme Court in *Kasturi and others vs. State of Haryana*, (2003) 1 SCC 354 and *Sabha Mohammed Yusuf Abdul Hamid Mulla and others vs. Special Land Acquisition Officer and others*, (2012) 7 SCC 595, to contend that the compensation has to be enhanced considering potential value of the lands for housing or commercial purposes and it being in the vicinity of developed area. Shri Bhandari has also relied upon the judgment of the Hon'ble Supreme Court in *Union of India vs. Raj Kumar Baghal Singh*, (2014) 10 SCC 422, to submit that sale instances of adjacent lands and proximate to the date of acquisition, have to be considered. The learned advocate for the claimants, therefore, prayed for enhancement of compensation.

15. After considering the submissions of the learned advocates for the respective parties and perusing with their

assistance the record, first of all we are required to see the position of acquired lands in the maps. We have perused the map at exhibit 62, village map of Satara at exhibit 63 and village map of Garkheda at exhibit 64. On careful perusal of the said maps, it is disclosed that the lands from village Satara, which are acquired for the purpose of planned development of city are adjacent to nearby village Garkheda. The acquired lands are situated on northern side of railway track and are adjacent to railway track. Some portion of village Satara is also situated towards northern side of railway track and it is adjacent to village Garkheda.

16. In the present case, the learned Reference Court has considered the rate of Rs.600/- per square meters, which was finalized upto the Hon'ble Supreme Court in respect of the lands acquired in developed area acquired by the CIDCO in village Garkheda. Insofar as the lands acquired from village Garkheda are concerned, the notification of acquisition was issued on 15.12.1992. Therefore, the learned Reference Court has granted rate of Rs.600/- per square meter in those cases. In the case in hand, the lands from adjacent village Satara are acquired under notification issued on 16.12.1990. As such, the learned Reference

Court has rightly considered the fact that village Satara is very adjacent to village Garkheda and their boundaries are common and the lands from village Garkheda are acquired subsequent to the land acquisition from village Satara. Therefore, the Reference Court has rightly relied upon its earlier judgment dated 03.08.2000, which was upheld upto the Hon'ble Supreme Court, and has rightly considered the said judgment dated 03.08.2000 as determinative factor to determine the price of acquired lands in the present matter.

17. The learned Reference Court has rightly relied upon the judgment of the Hon'ble Supreme Court in ***Ali Mohammad Beigh vs. State of Jammu and Kashmir, AIR 2017 SC 1518***, wherein it is held as under:-

“13. When the lands are more or less situated nearby and when the acquired lands are identical and similar and the acquisition is for the same purpose, it would not be proper to discriminate between the land owners unless there are strong reasons. In Union of India v. Bal Ram and another (2010) 5 SCC 747, this Court held that if the purpose of acquisition is same and when the lands are identical and similar though lying in different villages, there is no justification to make any discrimination between the land owners to pay more to some of the land owners and less compensation to others. The same was the view taken in Union of India v. Harinder Pal Singh

(2005) 12 SCC 564, where this Court held as under:—

“15. We have carefully considered the submissions made on behalf of the respective parties and we see no justification to interfere with the decision of the Division Bench of the Punjab and Haryana High Court which, in our view, took a pragmatic approach in fixing the market value of the lands forming the subject-matter of the acquisition proceedings at a uniform rate. From the sketch plan of the area in question, it appears to us that while the lands in question are situated in five different villages, they can be consolidated into one single unit with little to choose between one stretch of land and another. The entire area is in a stage of development and the different villages are capable of being developed in the same manner as the lands comprised in Kala Ghanu Pur where the market value of the acquired lands was fixed at a uniform rate of Rs. 40,000 per acre. The Division Bench of the Punjab and Haryana High Court discarded the belting method of valuation having regard to the local circumstances and features and no cogent ground has been made out to interfere with the same.”

18. In view of the above position of law, the Reference Court has rightly held that the lands situated nearby, identical and similar in nature, cannot be discriminated by awarding lesser compensation. After perusing the evidence in the form of maps produced on record and the rate list of leasehold plots published by the CIDCO for the year 1991 and 1992, the learned Reference Court has rightly observed that villages Garkheda and Satara are adjacent to each other, the lands acquired are identical to each

other and similar in nature and more importantly, these lands are acquired for the same purpose of planned development of city. While enhancing the compensation by the impugned judgment and awards, the learned Reference Court has rightly considered various factors in proper perspective such as road facility available adjacent to acquired lands, developing area around acquired lands and potentiality of development of acquired lands.

19. In the present case, though the learned Reference Court has come to conclusion that the claimants are entitled to get the rate of Rs.600/- per square meter by deducting 30% area from the acquired lands towards wastage for road and open plots, however, the learned Reference Court has rightly considered that the claimants have claimed enhanced compensation to the tune of Rs.500/- per square meters and therefore, it has rightly enhanced the compensation to the tune of Rs.500/- per square meter by deducting 30% area from the acquired lands. After considering the evidence produced on record, the learned Reference Court has rightly rejected the claim of the claimants towards well, borewell and trees.

20. It is well settled that determination of market value

is primarily a question of fact based on appreciation of evidence on record. The Reference Court, after evaluating the maps, documentary evidence, prior awards in respect of adjacent village Garkheda and the potentiality of the acquired lands, has arrived at a reasoned conclusion. The acquiring body has failed to demonstrate that the findings recorded by the Reference Court are perverse, arbitrary or contrary to settled principles governing determination of market value. In the absence of any material showing material dissimilarity between the lands of village Satara and village Garkheda, and particularly when both acquisitions were for the same public purpose, the determination of Rs.500/- per sq. mtr. cannot be said to be excessive or unjustified.

21. It is also pertinent to note that the acquiring body/ CIDCO has not produced any evidence before the Reference Court pointing out anything adverse. On the contrary, the acquiring body/ CIDCO did not lead any evidence and filed the evidence closed pursis exhibit 73. However, now the CIDCO has filed Civil Application Nos.8309/2019 and 8333/2019 under Order XLI Rule 27 of the Code of Civil Procedure seeking

permission to produce additional evidence in the form of certified copies of registered sale deeds pertaining to lands from villages Satara and Garkheda, at the relevant time. Though it is true that the acquiring body had closed its evidence before the Reference Court, the documents sought to be produced are certified copies of registered sale deeds and the same are public documents and have a direct bearing on determination of market value. In land acquisition matters, the Court is under statutory obligation to determine just and fair compensation based on best available evidence. Therefore, this Court is of the view that the additional documents sought to be produced are necessary to enable the Court to effectively adjudicate the issue of market value and to pronounce judgment in just and proper manner. The production of such documents would not prejudice the claimants, as they are certified copies of registered instruments and relate to comparable lands. So also, we are hearing these appeals finally, it is necessary to peruse the said additional documents for decision of these appeals. As such, **Civil Application Nos. 8309/2019 and 8333/2019 are allowed.** The documents annexed thereto are taken on record and shall be read in evidence.

22. We have also perused the additional evidence brought on record by the CIDCO. After perusing the entire evidence brought on record, we find that boundaries of both villages Satara and Garkheda are adjacent to each other and both these villages are forming part of the Aurangabad Municipal Corporation and the lands from these villages have been acquired for the same purpose i.e. for planned development of city of Aurangabad. The lands of both villages are identical and same in nature. The rate awarded for the lands from adjacent village Garkheda was at the rate of Rs.600/- per square meter whereas, the rate awarded to the lands from village Satara is at the rate of Rs.500/- per square meter. Thus, the rate determined by the Reference Court appears to be reasonable and proper.

23. The reliance placed by the learned counsel for the acquiring body on the decision in *Lal Chand v. Union of India (supra)* is misplaced in the facts of the present case. In the said decision, the Hon'ble Supreme Court observed that deductions towards development may range from 20% to 75% depending upon the nature of the land, extent of development required and surrounding circumstances. In the present case, the acquired

lands are situated adjacent to already developed areas, form part of municipal limits and possess immediate potential for non-agricultural use. The Reference Court has already deducted 30% towards development, which cannot be said to be inadequate considering the locational advantages and surrounding infrastructure. Similarly, the decision in *General Manager, ONGC v. Rameshbhai Jivanbhai Patel (supra)* relating to post-notification transactions does not advance the case of the acquiring body, as the Reference Court has primarily relied upon adjudicated awards of adjacent lands rather than isolated post-notification transactions.

24. In view of the foregoing discussion, this Court finds no merit in the appeal preferred by the claimants seeking further enhancement of compensation, as the rate determined by the Reference Court is found to be just, reasonable and based on proper appreciation of evidence. Likewise, the appeals filed by the acquiring body challenging the enhancement also do not have merit, since no perversity, illegality or material error is demonstrated in the impugned judgments and awards. Consequently, all the appeals, being devoid of substance, are

liable to be dismissed.

25. **Hence, all three First Appeals are dismissed. The pending Civil Application does not survive and stands disposed of.**

26. Record and proceedings be sent back to the Reference Court.

kps (SUSHIL M. GHODESWAR, J.)

(KISHORE C. SANT, J.)

27. After pronouncement of this judgment, the learned advocate Mr. Deshmukh appearing for the CIDCO, submits that the operative order passed by this Court in the first appeals be stayed for a period of four weeks.

28. The learned advocate Mr. Bhandari, appearing for the claimants, opposes the said request.

29. Considering the above, the operative order passed by this Court is hereby stayed for the period of four weeks from today.

(SUSHIL M. GHODESWAR, J.)

(KISHORE C. SANT, J.)