

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. _____ OF 2025
(Arising out of SLP(C) Nos.6650-6651/2019)

DAYANAND SURYABHAN PADRE (SALUNKE)

APPELLANT

VERSUS

THE STATE OF MAHARASHTRA & ORS.

RESPONDENTS

WITH

CIVIL APPEAL NOS. _____ OF 2025
(Arising out of SLP(C) Nos.6705-6706/2019)

CIVIL APPEAL NOS. _____ OF 2025
(Arising out of SLP(C) Nos.6669-6670/2019)

CIVIL APPEAL NOS. _____ OF 2025
(Arising out of SLP(C) Nos.6664-6665/2019)

CIVIL APPEAL NOS. _____ OF 2025
(Arising out of SLP(C) Nos.6681-6682/2019)

CIVIL APPEAL NOS. _____ OF 2025
(Arising out of SLP(C) Nos.7063-7064/2019)

CIVIL APPEAL NOS. _____ OF 2025
(Arising out of SLP(C) Nos.6854-6855/2019)

O R D E R

1. Leave granted.

2. The question that falls for consideration is whether the High Court of Judicature at Bombay, Bench at Aurangabad was justified in reducing the compensation to the acquired land from Rs.2300/- per sq. meter to Rs.170/- per sq. ft. (approximately Rs.1829.86/- per sq. meter).

3. Some of the undisputed facts are that the

appellants are owners of the subject-land as per their respective share comprising Gat No.33/3/4 total measuring 3600 sq. meter. The land is situated in Village Khadgaon, Taluka and District Latur. It seems that the possession of the subject-land was taken by the Authorities on 26.05.1992, however, the notification under Section 4 of the Land Acquisition Act, 1894 (in short, the "Act") was issued on 06.10.2005. It was followed by declaration under Section 6 of the Act on 04.01.2007. An award was passed granting compensation at the rate of Rs.1490/- per sq. meter. The Reference Court partly allowed the reference and enhanced the compensation to Rs.2300/- per sq. meter with all statutory benefits. The Reference Court also awarded rental compensation at the rate of 8% of the entire compensation amount to the claimants along with interest thereon at the rate of 12% per annum from the date of taking possession till the date of initiating acquisition proceedings.

4. It seems that cross-appeals were filed before the High Court and vide impugned judgment dated 07.01.2019, the High Court allowed the appeal of the respondent-Authorities and dismissed those of the appellant-land owners. Consequently, the High Court has reduced the compensation to Rs.170/- per sq. ft. (approximately Rs.1829.86/- per sq. meter).

5. We have heard learned counsel/senior counsel for

the parties and perused the record.

6. We find that the High Court fell in error in proceeding on the premise that, the land being acquired for construction of bypass road and requiring development for many amenities such as levelling and construction of drainage/sewage, development charges were liable to be deducted from the market value of the acquired land. The essentials that were needed for construction of the bypass road are not attributed to the nature of the land. The levelling or construction of drainage, etc. would be required for construction of any highway or bypass road for which the landowners cannot be subjected to any disadvantage. The only question that was to be seen was whether the entire land was having potentiality to be used for the public purpose for which it was acquired. There being no contrary finding to this effect, we see no valid reason for High Court to reduce the compensation from Rs.2300/- per sq. meter to approximately Rs.1829.86/- per sq. meter.

7. For the reasons aforesaid, the appeals are allowed to the extent that the impugned judgment of the High Court, so far as it pertains to determination of rate of acquisition, is set aside and that of the Reference Court awarding compensation at the rate of Rs.2300/- per sq. meter is restored.

8. Since the appellant-land owners have already

received the compensation as well as the additional rental compensation at the rate determined by the Reference Court, nothing stands to be recovered from them. It goes without saying that having held so, they shall not be entitled to be paid any additional amount.

.....J.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

New Delhi;
July 21, 2025

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).6650-6651/2019

[Arising out of impugned final judgment and order dated 07-01-2019 in FA No.235/2011 07-01-2019 in FA No. 443/2012 passed by the High Court of Judicature at Bombay at Aurangabad]

DAYANAND SURYABHAN PADRE (SALUNKE)

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No.40477/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(C) No. 6705-6706/2019 (IX)

(IA No. 41070/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 6669-6670/2019 (IX)

(IA No. 40840/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 6664-6665/2019 (IX)

(IA No. 40799/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 6681-6682/2019 (IX)

(IA No. 40933/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 7063-7064/2019 (IX)

(IA No. 42720/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 6854-6855/2019 (IX)

(IA No. 41686/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 21-07-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Mr. Shashibhushan P. Adgaonkar, AOR
Mr. Sharian Mukherji, Adv.

Mr. Anoop Raj, Adv.

For Respondent(s) :Mr. Aniruddha Joshi, Sr. Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeals are allowed in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)

ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)

ASSISTANT REGISTRAR

(signed order is placed on the file)