IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1574 OF 2009

1. Shivaji Bapurao Jadhav
Died Through LRs…

1/1. Sojarbai Shivaji Jadhav
Age: 71 years, Occu: Household
R/o. Datta Nagar, Near Adarsh
Colony, Latur.

1/2. Rajeshri Madhavrao Patil
Age: 55 years, Occu: Household
R/o. Sant Dnyaneshwar Nagar, Latur.

1/3. Devidas Shivaji Jadhav
Died Through LRs…

1/3/1. Pallavi Devidas Jadhav
Age: 31 years, Occu: Household

1/3/2. Kartiki Devidas Jadhav
Age: Minor, Occu: Nil

1/3/3. Viraj Devidas Jadhav
Age: Minor, Occu: Nil

Appellant Nos. 1/3/1 to 1/3/3 are
R/o. Adarsh Colony, Latur.

2. Gangadhar Bapurao Jadhav
Age: 48 years, Occu: Agri.,

3. Tukaram Shivajirao Jadhav
Age: 36 years, Occu: Agri.,

4. Dnyanoba Shivajirao Jadhav
Age: 42 years, Occu: Agri.,

5. Kisan Dattatraya Jadhav
Age: 48 years, Occu: Agri.,

All R/o. : Khopegaon,
Tq. & Dist. Latur … **APPELLANTS**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2281 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Mohan Rangrao More
Age: 60 years, Occu: Agri.,

R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 290 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Devidas Gangaram Waghmare
Age: 52 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2295 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Vishnudas Saduram More
Age: 45 years, Occu: Agri. & h.h.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 289 OF 2009
WITH
CROSS OBJECTION NO. 19 OF 2026

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

2. The Sub-Divisional Engineer
P.W.D., Sub-Division No.1,
Nilanga.

3. The Superintendent of Police,
Distict Latur. … **APPELLANTS**

VERSUS

1. Sidram Chanappa Milgire
Age: 40 years, Occu: Agri.,

2. Gurunath Chanappa Milgire
Age: 34 years, Occu: Agri.,

Both R/o. Kasar-Shirsi, Tq. Nilanga,
Dist. Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 267 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Vilas Pandurang Shendge
Age: Minor, U/G of Real Mother

2. Dhondabai Pandurang Shendge
Age: 50 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

3. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 375 OF 2011

. Anirudha Govind More
Age: 57 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur. … **APPELLANT**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 266 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Venkat Krushna Pawar
Age: 36 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2284 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Sow. Chandrakala Nivruti Phad
Age: 47 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 1575 OF 2009

Dagdu Baliram More
Died Through LRs…

1. Laxman Dagdu More
Age: 52 years, Occu: Agri.,

2. Smt. Mankarnabai Dagdu More
Age: 92 years, Occu: Household,

3. Maruti Dagdu More
Age: 72 years, Occu: Service,

All R/o. Khopegaon, Tq. & Dist. Latur.

4. Sow. Karuna Madankumar Hupate
Age: 60 years, Occu: Household,
R/o. Mumbai Road, Nashik,
Tq. & Dist. Nashik.

5. Sow. Meghana Balbhim Irape
Age: 57 years, Occu: Household,
R/o. Latur, Tq. & Dist. Latur.

6. Sow. Jyoti Shrikishan Satpute Irape

Age: 55 years, Occu: Household,
R/o. Ghat Pimpari, Tq. Washi,
Dist. Osmanabad.

7. Balaij Dagdu More
Age: 50 years, Occu: Medical Practitioner,
R/o. Khopegaon, Tq. & Dist. Latur. … **APPELLANTS**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 263 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

Dagdu Baliram More
Died Through LRs…

1. Laxman Dagdu More
Age: 52 years, Occu: Agri.,

2. Smt. Mankarnabai Dagdu More
Age: 92 years, Occu: Household,

3. Maruti Dagdu More
Age: 72 years, Occu: Service,

All R/o. Khopegaon, Tq. & Dist. Latur.

4. Sow. Karuna Madankumar Hupate
Age: 60 years, Occu: Household,
R/o. Mumbai Road, Nashik,
Tq. & Dist. Nashik.

5. Sow. Meghana Balbhim Irape
Age: 57 years, Occu: Household,
R/o. Latur, Tq. & Dist. Latur.

6. Sow. Jyoti Shrikishan Satpute Irape
Age: 55 years, Occu: Household,
R/o. Ghat Pimpari, Tq. Washi,
Dist. Osmanabad.

7. Balaij Dagdu More
Age: 50 years, Occu: Medical Practitioner,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 291 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,

Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Sudam Gyanoba More Waghmare
Age: 40 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 269 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Shivaji Laxman Shinde
Age: 42 years, Occu: Agri.,

2. Shankar Laxman Shinde
Age: 35 years, Occu: Agri.,

Both R/o. Khopegaon, Tq. & Dist. Latur.

3. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2292 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Mahadeo Bapurao Deshmukh
Age: 40 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 374 OF 2011

Dattatray Vajinath Bokade
Age: 72 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur. … **APPELLANT**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2297 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Kaushabai Bhujangrao More
Age: 36 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 371 OF 2011

Ram Ganpati More
Died Through LRs…

1. Anjali d/o. Ram More
Age: 12 years, Occu: Education,

2. Kalpesh s/o. Ram More
Age: 15 years, Occu: Education,
Both under guardian of their

Natural Mother Appellant No.3.

3. Usha w/o. Ram More
Age: 40 years, Occu: Household,
All R/o. Khopegaon, Tq. & Dist. Latur. … **APPELLANTS**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 1577 OF 2009

1. Baburao Malba Deshmukh
Died Through LRs…

i. Mahadeo Baburao Deshmukh
Age: 55 years, Occu: Agri.,

ii. Shrihari Baburao Deshmukh
Age: 50 years, Occu: Agri.,

iii. Bharat Baburao Deshmukh
Age: 48 years, Occu: Agri.,

iv. Bhagwat Baburao Deshmukh
Age: 45 years, Occu: Agri.,

v. Vasant Baburao Deshmukh
Age: 41 years, Occu: Agri.,

All R/o. Khopegaon, Tq. & Dist. Latur. … **APPELLANTS**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 259 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Jalindhar Tulsiram Ghayal
Age: 60 years, Occu: Agri.,

2. Navnath Tulsiram Ghayal
Age: 22 years, Occu: Agri.,

3. Prabhakar Tulsiram Ghayal
Age: 20 years, Occu: Agri.,

4. Gorakh Tulsiram Ghayal
Age: 38 years, Occu: Agri.,

All R/o. Khopegaon, Tq. & Dist. Latur.

5. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2288 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Nagnath Hanmantrao Kaname
Age: 55 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 369 OF 2011
WITH
CIVIL APPLICATION NO. 3677 OF 2026

Subhash Narsing Korkalle
Age: 42 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur. … **APPELLANT**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 311 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Vijaykumar Mohanrao More
Age: 28 years, Occu: Agri.,
Both R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2287 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Kondiba Gangaram Waghmare
Age: 55 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 271 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Namdeo Bali More
Age: 65 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 398 OF 2011

1. Arun Pandurang More
Age: 43 years, Occu: Agri.,

2. Sanjay Pandurang More
Age: 38 years, Occu: Agri.,

Both R/o. Khopegaon, Tq. & Dist. Latur. … **APPELLANTS**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2283 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Bhagwan Vithoba More
Age: 60 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 367 OF 2011

. Kaushabai Bhujangrao More
Age: 44 years, Occu: Agri. & Household,
R/o. Khopegaon, Tq. & Dist. Latur. … **APPELLANT**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 293 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Shripati Ganpati Taralkar
Age: 68 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 358 OF 2011

. Mohan Rangrao More
Age: 68 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur. … **APPELLANT**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 268 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Shivaji Bapurao Jadhav
Age: 60 years, Occu: Agri.,

2. Tukaram Bapurao Jadhav
Age: 40 years, Occu: Agri.,

3. Tukaram Shahajirao Jadhav

Age: 28 years, Occu: Agri.,

4. Dnyanoba Shahajirao Jadhav
Age: 35 years, Occu: Agri.,

5. Kisan Dattatraya Jadhav
Age: 48 years, Occu: Agri.,

All R/o. Khopegaon, Tq. & Dist. Latur.

6. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 262 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Deepak Arjun Bansode
Age: Major, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2282 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Vithal Nivruti Waghmare
Age: 30 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 372 OF 2011

. Kaushabai Bhujangrao More
Age: 44 years, Occu: Agri. & Household,
R/o. Khopegaon, Tq. & Dist. Latur. **… APPELLANT**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 308 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Vinod Raosaheb More
Age: 38 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2294 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Shahajirao Saduram Jambaldare
Age: 65 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra

Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 292 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Vasant Bhanudas More
Age: 40 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2293 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

. Ram Ganpati More
Died Through LRs…

1. Anjali d/o. Ram More
Age: 04 years, Occu: Nil,

2. Kalpesh s/o. Ram More
Age: 04 years, Occu: Nil,
Both U/G of their Mother.

3. Usha w/o. Ram More
Age: 32 years, Occu: Household,

All R/o. Khopegaon, Tq. & Dist. Latur.

4. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 270 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Sow. Trivenibai Arjun Bansode
Age: 50 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 359 OF 2011

. Mahadeo Bapurao Deshmukh
Age: 55 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur. **… APPELLANT**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2286 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Bapurao Nivruti Jambaldare
Age: 60 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra

Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 261 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Ganpati Namdeo Shinde
Age: 78 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2291 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Subhash Madhav Jambaldare
Age: 35 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 287 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Shankar Chander More
Age: 42 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2285 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Kaushabai Bhujangrao More
Age: 36 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND

FIRST APPEAL NO. 310 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Subhash Narsing Korkalle
Age: 42 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND

FIRST APPEAL NO. 2298 OF 2014

1. Godavari Marathwada Irrigation

Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Shripati Govind More
Age: 40 years, Occu: Agri.,

2. Baliram Govind More
Age: 60 years, Occu: Agri.,

3. Anant Govind More
Age: 30 years, Occu: Agri.,

All R/o. Khopegaon, Tq. & Dist. Latur.

4. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 373 OF 2011

. Nagnath Hanumantrao Kaname
Age: 63 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur. … **APPELLANT**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 313 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Sahebrao Kisanrao More
Age: 40 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 260 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Pralhad Namdeo More
Age: 50 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 309 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Rajendra Pandurang Jambaldare
Age: 30 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2280 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Anirudha Govind More
Age: 49 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2289 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Janardhan Gangaram Waghmare
Age: 50 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 272 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Vidyasagar Maroti More
Age: Major, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 288 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Digambar Gangaram Waghmare
Age: 40 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra

Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 2296 OF 2014

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Dattatraya Vaijanath Bokade
Age: Major, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 1576 OF 2009

. Sow. Trivenabai Arjun Bansode
Age: 58 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur. … **APPELLANT**

VERSUS

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

2. The Executive Engineer,

Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 307 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Baliram Govind More
Age: 55 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 273 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Pralhad Namdeo More
   Age: 45 years, Occu: Agri.,

2. Vasant Namdeo More
   Age: 42 years, Occu: Agri.,

   Both R/o. Khopegaon, Tq. & Dist. Latur.

3. The State of Maharashtra
   Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 265 OF 2009

1. Godavari Marathwada Irrigation
   Development Corporation
   Through Its Executive Engineer,
   Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
   Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Udhav Venkatrao More
   Age: 35 years, Occu: Agri.,

2. Madhav Venkatrao More
   Age: 30 years, Occu: Agri.,

3. Shivaji Venkatrao More
   Age: 26 years, Occu: Agri.,

4. Shankar Venkatrao More
   Age: 23 years, Occu: Agri.,

All R/o. Khopegaon, Tq. & Dist. Latur.

5. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 264 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Ankush Govindrao More
Age: 40 years, Occu: Agri.,

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 368 OF 2011

. Vasant Bhanudas More
Age: 48 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur. **… APPELLANT**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 370 OF 2011

1. Shripati Govind More
Age: 48 years, Occu: Agri.,

2. Baliram Govind More
Age: 68 years, Occu: Agri.,

3. Anant Govind More
Age: 38 years, Occu: Agri.,

All R/o. Khopegaon, Tq. & Dist. Latur. **… APPELLANTS**

VERSUS

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

2. The Executive Engineer,
Minor Irrigation Division, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 314 OF 2009

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,

Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Arun Pandurang More
   Age: 35 years, Occu: Agri.,

2. Sanjay Pandurang More
   Age: 30 years, Occu: Agri.,

   Both R/o. Khopegaon, Tq. & Dist. Latur.

3. The State of Maharashtra
   Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL NO. 258 OF 2009

1. Godavari Marathwada Irrigation
   Development Corporation
   Through Its Executive Engineer,
   Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
   Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Rajendra Vithalrap Patil
   Age: 60 years, Occu: Agri.,
   R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
   Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL (STAMP) NO. 9619 OF 2008
WITH
CIVIL APPLICATION NO. 5908 OF 2008

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Chandrakant Gundu More
Age: 74 years, Occu: Agri.,
R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL (STAMP) NO. 9511 OF 2008
WITH
CIVIL APPLICATION NO. 5954 OF 2008

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Baburao Malba Deshmukh
   Age: Major, Occu: Agri.,
   R/o. Khopegaon, Tq. & Dist. Latur.

2. The State of Maharashtra
   Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL (STAMP) NO. 9523 OF 2008

1. Godavari Marathwada Irrigation
   Development Corporation
   Through Its Executive Engineer,
   Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
   Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

Sow. Dagdubai Govind More
Died Through LRs...

1. Shripati Govind More
   Age: Major, Occu: Agri.,
2. Baliram Govind More
   Age: Major, Occu: Agri.,

Both R/o. Khopegaon, Tq. & Dist. Latur.

3. Anant Govind More
   Died Through LRs…

3-1. Jaymala Anant More
Age: 43 years, Occu: Household,

3-2. Dipali Anant More
Age: 14 years, Occu: Student,

3-3. Shubham Anant More
Age: 12 years, Occu: Student,

3-4. Sonali Anant More
Age: 10 years, Occu: Student,

3-5. Madhuri Anant More
Age: 8 years, Occu: Student,

All R/o. Khopegaon, Tq. & Dist. Latur.

4. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

AND
FIRST APPEAL (STAMP) NO. 9519 OF 2008
WITH
CIVIL APPLICATION NO. 5975 OF 2008

1. Godavari Marathwada Irrigation
Development Corporation
Through Its Executive Engineer,
Latur Minor Irrigation Division, Latur.

2. Executive Engineer,
Minor Irrigation Division, Latur. … **APPELLANTS**

VERSUS

1. Shivaji Chandar More
Died Through LRs...

1.1. Tejabai Shivaji More
Age: 45 years, Occu: Household,

1.2. Archana Kiran Kamkhede
Age: 25 years, Occu: Household,

1.3. Jyoti Pandit Zangurde
Age: 23 years, Occu: Household,

1.4. Ravi Shivaji More
Age: 21 years, Occu: Agri.,

1.5. Kiran Shivaji More
Age: 18 years, Occu: Agri.,

All R/o. Khopegaon, Tq. & Dist. Latur.

2. Sandipan Chandar More
Age: 42 years, Occu: Agri.,

3. Dinkar Chandar More
Age: 28 years, Occu: Agri.,

4. Maroti Chandar More
Age: 28 years, Occu: Agri.,

All R/o. Khopegaon, Tq. & Dist. Latur.

5. The State of Maharashtra
Through Collector, Latur. … **RESPONDENTS**

...

Ms. Chanchal alongwith Mr. A. A. Phad, Advocate for the appellant Nos. 1 & 2 in F.A. No. 1574/2009.
Mr. N. P. Patil Jamalpurkar for appellant Nos. 3 to 5 in F. A. No. 1574/2009 and respective appellants and respondents in connected first appeals (through V.C.).
Mr. G. D. Kale, Advocate for appellants in F.A. No. 371/2011 and F. A. No. 1575/2009.
Mr. V. K. Kotecha, A.G.P. for the State.
Mr. S. G. Sangle, Advocate for respective appellants and respondents for G.M.I.D.C.
Mr. G. K. Sontakke, Advocate for respective respondents.

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

Date on which reserved for judgment : 02nd April, 2026.

Date on which judgment pronounced : 22nd June, 2026.

JUDGMENT *(PER KISHORE C. SANT, J.)* :-

1. This group of appeals arises out of judgment and awards passed by the learned 2nd Joint Civil Judge Senior Division, Latur. Some appeals are preferred by the acquiring body challenging the judgment and award passed by the learned Reference Court i.e. 2nd Joint Civil Judge Senior Division, Latur. The claimants have also filed appeals challenging judgment and award to the extent of not granting enhancement by the learned Reference Court as prayed for by the claimants. For the purpose of convenience following chart is prepared showing the appeals

preferred by the acquiring body and by the claimants.

Sr. No.	L.A.R. Nos.	Judgment and award date	F.A. filed by Acquiring Body	F.A. filed by claimants
Group I				
1.	315/1999	20.02.2007	264/2009	-
2.	316/1999		288/2009	-
3.	317/1999		308/2009	-
4.	318/1999		290/2009	-
5.	320/1999		231/2009	-
6.	321/1999		287/2009	-
7.	322/1999		309/2009	-
8.	324/1999		st. 9619/2008	-
9.	325/1999		307/2009	-
10.	326/1999		293/2009	-
11.	327/1999		310/2009	369/2011
12.	331/1999		265/2009	-
13.	332/1999		314/2009	398/2011
14.	333/1999		258/2009	-
15.	439/1999		311/2009	-
16.	440/1999		292/2009	368/2011
Group II				
17.	604/1999	16.03.2007	272/2009	-
18.	605/1999		267/2009	-
19.	607/1999		260/2009	-
20.	608/1999		263/2009	1575/2009
21.	610/1999		st. 9523/2008	-
22.	823/1999		273/2009	-
23.	916/1999		268/2009	1574/2009
24.	917/1999		st. 9519/2008	-
25.	919/1999		st. 9511/2008	1577/2009
26.	920/1999		269/2009	-

27.	921/1999	16.03.2007	262/2009	-
28.	922/1999		270/2009	1576/2009
29.	923/1999		271/2009	-
30.	924/1999		259/2009	-
31.	925/1999		261/2009	-
32.	958/1999		266/2009	-
33.	1068/1999		313/2009	-
Group III				
34.	379/1999	23.02.2007	2282/2014	-
35.	380/1999		2280/2014	375/2011
36.	381/1999		2289/2014	-
37.	382/1999		2286/2014	-
38.	383/1999		2292/2014	359/2011
39.	385/1999		2296/2014	374/2011
40.	388/1999		2294/2014	-
41.	389/1999		2287/2014	-
42.	390/1999		2291/2014	-
43.	391/1999		2298/2014	370/2011
44.	392/1999		2288/2014	373/2011
45.	394/1999		2284/2014	-
46.	395/1999		2285/2014	367/2011
47.	396/1999		2283/2014	-
48.	397/1999		2293/2014	371/2011
49.	398/1999		2281/2014	358/2011
50.	399/1999		2297/2014	372/2011
51.	401/1999		2295/2014	-

2. Since the appeals are arising from the common judgment in L.A.R's. and are arising out of the same acquisition proceeding bearing No. 1993/LA/CR-101 all the appeals are taken up together and are

being decided by way of common judgment by consent of the parties. In all the appeals record and proceeding is received. First Appeal No. 1574/2009 is already admitted.

3. The parties are referred to as claimants and acquiring body for the purpose of convenience. The facts in short giving rise to the present appeals are that the claimants were the owners and possessors of the lands acquired for the purpose of construction of minor irrigation project Katpur, Tq. and Dist. Latur. The total land acquired in this group is 104 Hectares and 24 R from villages Khopegaon, Kanheri, Wasangaon and Latur. The lands are acquired from the villages as below :

Village	Area
Khopegaon	101 H 58 R
Kanheri	1 H 29 R
Wasangaon	0.74 R
Latur	0.63 R
Total =	**104 H 24 R**

4. The possession of the lands was taken on 16.05.1992. The preliminary notification under section 4 of the Land Acquisition Act (for short “the said Act”) was published on 05.05.1994. On 19.05.1994

notification was published in the Government Gazette. On 31.10.1994 local publication was made. On 10.11.1995 notification under section 6 of the said Act came to be issued in the Government Gazette. The local publication of the notification under section 6 of the said Act was issued on 14.04.1996. The award came to be passed by the Special Land Acquisition Officer (S.L.A.O.) granting compensation at the rate of Rs. 1,50,000/- per Hectare for villages Khopegaon and Wasangaon, Rs. 1,60,000/- per Hectare for village Kanheri and Rs. 2,40,000/- per Hectare for Latur.

5. The claimants, being aggrieved by the award approached the Collector by filing references under section 18 of the said Act. The references came to be referred to the Civil Court. The learned 2nd Joint Civil Judge Senior Division, Latur clubbed the references. By way of pursis common evidence was laid in L.A.R. No. 604/1994 i.e. First Appeal No. 272/2009. The learned Reference Court on recording the evidence and on appreciation held that the appropriate rate would be Rs. 4,00,000/- per Acre considering all the lands as dry land except land

in L.A.R. No. 925/1999. In addition, the learned Reference Court awarded rental compensation in L.A.R. Nos. 823/1999, 916/1999, 920/1999, 922/1999, 924/1999 and 925/1999 and also awarded compensation towards trees alongwith all the statutory benefits. It is the case of the claimants that the rate awarded is inadequate and insufficient. The learned Reference Court ought to have awarded the compensation at the rate of Rs. 20,00,000/- per Acre. On the other hand, by preferring the appeal, the acquiring body has challenged the quantum stating that the amount awarded by the learned Reference Court is exorbitant. The S.L.A.O. had rightly granted the compensation by considering the sale instances from the year 1990 onwards. The ready reckoner rate was even lesser than the rate awarded by the S.L.A.O. It is thus prayed that the appeals of the acquiring body deserves to be allowed by rejecting the appeals filed by the claimants.

6. This Court has heard the parties and has gone through the record. The Civil Application No. 3677/2026 is filed for considering additional evidence.

7. The learned advocate Mr. Jamalpurkar for the claimants vehemently argued that the learned Reference Court has failed to appreciate the evidence in its proper perspective. The lands are situated on Latur-Solapur Highway. There was material to show that the lands are irrigated lands where the crop like Sugarcane was taken. However, the learned Reference Court still treated the lands to be dry lands and has committed an error. By way of additional evidence, it is shown that in subsequent awards learned Reference Court has granted the rate of Rs. 37.5 per sq. ft. He further submitted that interest under section 34 of the said Act is not granted and he prays for allowing the first appeals.

. Learned Advocates Mr. Kale, Mr. Phad and Mr. Sontakke adopted the arguments of learned Advocate Mr. Jamalpurkar.

8. The learned advocate Mr. Sangle for the acquiring body vehemently argued his appeals and opposed the appeals of the claimants. He submitted that the lands were taken in possession by private negotiation. The award was rightly passed by the S.L.A.O. No interference was required by the learned Reference Court. He also submitted on record written notes of arguments. He submitted that the

learned Reference Court considered the sale deed dated 31.05.1997 which is after the date of notification which could not have been considered. He invited attention to the deposition of the witnesses. The sale deed dated 31.05.1997 was in respect of the land which was acquired for the hostel. The transactions which are considered by the Court were commercial transactions. The valuer's evidence is wrongly believed by the Court. The expert witness could not be said to be an expert witness as he was only having M.Sc. PH.D. in Agronomy that is only crop science and not in Horticulture. So far as additional evidence is concerned, he submitted that, no case is made out to consider the additional evidence. He prays for allowing the appeals of the acquiring body by rejecting the appeals of the claimants. He relied upon the following judgments :

(i) Smt. Padma Uppal and Others Vs. State of Punjab and Others, (1977) 1 SCC 330.

(ii) Prithvi Raj Taneja (Dead) By L.Rs. Vs. The State of Madhya Pradesh and Another, (1977) 1 SCC 684.

(iii) Ravinder Narain And Another Vs. Union Of India, (2003) 4 SCC 481.

(iv) Karnataka Urban Water Supply and Drainage Board and others Vs. K. S. Gangadharappa and Another,

(2009) 11 SCC 164.

(v) A. Natesam Pillai Vs. Special Tahsildar, Land Acquisition, Tiruchy, (2010) 9 SCC 118.

(vi) Special Land Acquisition Officer and Another Vs. M. K. Rafiq Saheb, (2011) 7 SCC 714.

(vii) Mehrawal Khewaji Trust (Registered), Faridkot and Others Vs. State of Punjab and Others, (2012) 5 SCC 432.

(viii) State of Maharashtra Vs. Santaram Mahadu Pingle and Others, 2008 (3) Bom.C.R. 715.

(ix) State of H.P. Vs. Jailal and Others, (1999) 7 SCC 280.

(x) Lal Chand Vs. Union of India and Another, (2009) 15 SCC 769.

(xi) G.M.I.D.C. and Another Vs. Nanasaheb Apparao More, in First Appeal No. 5148/2017 passed by this Court.

(xii) Chimanlal Hargovinddas Vs. Special Land Acquisition Officer, Poona and Another, (1988) 3 SCC 751.

(xiii) Union of India Vs. Pramod Gupta (Dead) by L.Rs. And Others, (2005) 12 SCC 1.

(xiv) Manilal Shamalbhai Patel (Deceased) through his Legal Heirs and others Vs. Officer on Special Duty (Land

Acquisition) and Another, 2025 SCC OnLine SC 634.

(xv) Radhey Sham Vs. State of Haryana and Others, (2022) 17 SCC 148.

(xvi) Subh Ram and Others Vs. State of Haryana and Another, (2010) 1 SCC 444.

9. On hearing the arguments and submissions this Court has to consider (i) as to whether the learned Trial Judge has rightly enhanced the compensation and the compensation awarded is adequate and sufficient compensation and (ii) whether the impugned judgment requires interference at the hands of this Court.

10. In support of the case of the claimants they examined five witnesses. In group No. 1 Vijaykumar More is examined as PW-1, in group No. 2 Gangadhar Jadhav and in group No. 3 Nagnath Kaname is examined as PW-1. Except PW-1 all other witnesses are same in all the three groups i.e. PW-2 Keshav Pawar, PW-3 Dnyanoba Pinate, PW-4 Ramchandra Baraskar and PW- 5 Govind Parikh . They relied upon the copy of sale deed dated 31.05.1997, sale deed dated 15.10.1994, award dated 04.04.1998 in respect of some other lands from the same

village. They also relied upon deposition of one Mr. Bajrang Malu. As against that, the acquiring body has examined only one witness i.e. Manohar Pandurang Gaikwad.

11. Witness Vijaykumar More is the claimant in L.A.R. No. 439/1999. He stated in his evidence that the land acquired is of rich quality and is well developed. The land would fetch Rs. 21 Lakh per Acre for irrigated land and Rs. 10 Lakh for dry land. In addition he stated that there was Well situated in his land. There were trees, tubewell, Horticulture in the land. He also claimed that certain trees were standing in the land and some structure. He relied upon the sale deed in respect of land Survey No. 42 of village Kanheri which was sold by one Brijlal Joshi to Bajrang Malu. Under sale deed 12 R land was sold for consideration of Rs. 1,80,000/- and the same is at the distance of one k.m. from the land acquired. He deposed that, he had taken sugarcane crop in the land. He was also cultivating vegetables and flowers. He was getting Rs. 1,00,000/- per Acre from the land by providing irrigation facilities. The distance of Khopegaon is hardly one k.m. from the Latur city. There

are facilities available in the village. He relied upon the award in Land Acquisition Reference No. 509/1993 where the Court awarded the compensation at the rate of Rs. 66/- per sq. ft. and the said land is around one k.m. from his land. In the cross-examination, he could not state as to when the land came into municipal council limits. He did not file 7/12 extract showing that he was having Well and borewell in his land. He accepted that his land is at the distance of 5 to 6 k.m. from the land of one Babasaheb Jadhav acquired for road. Thus, it is seen that he could not produce any evidence that the lands are irrigated lands.

12. Witness Keshav Pawar is examined as an expert witness. This witness was a Dean in Agricultural University, Parbhani. He was professor of Agronomy. He had given evidence in respect of trees in the land. In the cross-examination he accepted that he did not issue intimation to the Collector before visiting the spot for preparing valuation report. He was not possessing any registration certificate from concerned department to show that he was registered valuer. He could not tell details of plantation.

13. Next witness Dnyanoba Pinate was examined as he sold his land in the year 1997 to one Shahu College at Latur at the rate of Rs. 12,00,000/-. The said land admeasures one Acre. In the cross-examination he answered that his land is near to one Cinema Theatre.

14. Bajrang Malu who purchased the land and was examined stated about the purchase of land of 20 R from Brijlal Joshi for Rs.1,80,000/- from Survey No. 42. He stated that at the relevant time the rate of agricultural land was Rs. 8,00,000/- per Acre. In the cross-examination he accepted that the land was purchased jointly with one Abdul Karim and he has paid only Rs. 90,000/- towards his share. He could not give the boundaries of Survey No. 42.

15. Ramchandra Baraskar is examined as expert witness as he was in service as Surveyor Assistant and thereafter became valuer and consultant. He deposed that there was Well situated in the land with borewell. He accepted that he was not accompanied by any independent person while taking the survey. He had taken the rough notes of measurement. However, he could not produce the notes of the same

report. No notice was served upon the Government prior to his visit to the land.

16. The last witness Govind Parikh who has seen the sale deed between Brijlal Joshi and Bajrang Malu.

17. So far as appeals in group Nos. 2 and 3 are concerned, though PW-1 is different, however, they have deposed on the same lines as that of PW-1 in appeals in group No. 1 and therefore, their evidence is not separately discussed.

18. The respondent/acquiring body examined Mr. Manohar Pandurang Gaikwad as DW-1 in all the three groups. DW-1 deposed that, he gave the date of acquisition of land and the purpose for which the land is acquired. He stated that, the valuation was properly done by the S.L.A.O. on considering the relevant material such as earlier sale instances of the lands in near area. In the cross-examination, he specifically deposed that, he never saw personally the structure and construction on the land acquired. He could not give the names of the

officers who were present at the time of measurement. He could not give the names of the claimants. He could not identify the claimants. He could not give the survey numbers. This witness was working as Sub Divisional Engineer in Minor Irrigation since 2003. At the relevant time he was working at Omerga, District Osmanabad. On going through his evidence, this Court finds that, his evidence is not of much use to the respondent.

19. On this evidence and by considering various judgments the learned Reference Court came to conclusion that the proper value of the land would be Rs. 4,00,000/- per Acre considering the lands to be dry lands except irrigated land where he awarded the rate of Rs. 8,00,000/- per Acre. Before discussing the evidence and dealing with the submissions we feel it necessary to discuss the judgments relied upon by the parties.

20. In the case of **Smt. Padma Uppal and Others** *(supra)*, the Hon'ble Apex Court considered that the sale instances of the small piece of land need not be considered for the purpose of deciding the adequate compensation when large area of land is acquired. In the case of

Ravinder Narain And Another *(supra)*, it is again held that, the rate fixed of smaller plot in the same vicinity can be the basis for fixation of rate for large area acquired. The Court is free to make comparison of the prices paid for small piece of land subject to necessary deductions and adjustments. The judgment in the case of **Karnataka Urban Water Supply And Drainage Board And Others** *(supra)* is again on the consideration of the sale instances of the small area.

21. In the case of **Prithvi Raj Taneja** *(supra)*, it is held that, the Court has to consider the market value of the land on the date of publication of the notification under section 4 of the said Act.

22. In the case of **A. Natesam Pillai** *(supra)*, the Court discussed the consideration for deciding fair and just compensation for the land acquired. It is held that, the sale instances of post notification date are to be generally ignored unless the evidence is laid to show that there was no increase in price despite such acquisition. In the case of **Special Land Acquisition Officer And Another** *(supra)*, the Court again held that the Court has to compare the sale deeds when the sale instances are of small

area of land and the area acquired is large piece of land. In the case of **Mehrawal Khewaji Trust** and **State of Maharashtra Vs. Santaram Mahadu Pingle** *(supra)*, the Court considered the sale instances to be of smaller area and had upheld the deductions while considering the compensation for larger piece of land.

23. In the case of **State of H.P.** *(supra)*, the Hon'ble Apex Court considered the nature and role of the evidence of the expert witness and the credibility of such witness. However, the said is in respect of the case under Prevention of Corruption Act. This Court need not go into that case. It is quite settled that expert witness must be an independent witness.

24. In the case of **Lal Chand** *(supra*), the Hon'ble Apex Court considered the utility and the relevance of undervalued sale deeds in determining market price. It is held that such deeds need to be excluded from the consideration being unreliable evidence. This judgment is relied upon in view of the evidence of Mr. Bajrang Malu who has stated in his evidence that in the sale deed the value shown was lesser than the

market value. It is held that the Court cannot add fanciful ideas by adding percentage to the value shown in the sale deeds to arrive at realistic market value.

25. In the case of **G.M.I.D.C. And Another** *(supra)*, the Division Bench of this Court partly allowed the appeals and the cross objections by enhancing the compensation to Rs. 1720/- per R instead of Rs. 1000/- per R awarded by the learned Reference Court. The interest was awarded from the date of registration of cross objections. The interest was awarded under section 34 of the said Act from the date of notification under section 4 of the said Act. The Division Bench in view of the judgment in the case of **State of Maharashtra Vs. Kailash Shiva Rangari, (2016) 4 ALLMR 513** held that the same can be awarded only from the date of award. The cross objections were registered after nine years of the award. It was considered that non filing of cross objections suggested that the respondent/land owners were not having any grievance about the adequacy of the compensation and in that view also the interest was directed to be granted from the date of registration of

cross objections.

26. In the case of **Chimanlal Hargovinddas** *(supra*), the Court laid down the factors to be considered while considering the references under section 18 of the said Act. It is considered that the Court has to consider the references as original proceeding. The determination has to be made as on the date of publication of notification under section 4 of the said Act. The Court has to consider the most comparable sale instance. The Court needs to consider the proximity from the time angle as well as from the situation. In the case of **Union of India Vs. Pramod Gupta** *(supra)*, it is held that the Court also need to take into consideration the enormity of the financial implication of enhancement in view of size of the land acquired for the particular project. In the case of **Manilal Shamalbai Patel** *(supra)*, it is held that when the sale instances are of small area and the land acquired is of larger area then deductions are permissible. Judgments in the case of **Radhey Sham** and **Shubh Ram And Others** *(supra)* are on similar lines.

27. Coming to the impugned judgment this Court finds that, the

learned Trial Judge has considered the sale instances prior to the date of issuance of notification under section 4 of the said Act. The highest sale exemplar was Rs. 2,13,500/- per H for dry land. Considering the sale instance was one year prior to the date of notification the learned Reference Court has increased the value by 10% per year and considered the value to be Rs. 2,34,850/- per H. Though the claimants had claimed compensation of Rs. 12,00,000/- per Acre based upon the sale deed in favour of Bajrang Malu it rightly considered the valuation based upon the sale instances. The sale instance in the case of Bajrang Malu was for a small area i.e. only for 20 R of land. Thus, considering overall evidence the learned Reference Court determined the compensation at the rate of Rs. 4,00,000/- per Acre for dry land, Rs. 6,00,000/- for semi irrigated land and Rs. 8,00,000/- for irrigated land. So far as trees compensation is concerned, the learned Reference Court has rightly accepted the report at Exh. 27. So far as evidence of PW-5 is concerned, the Court has rightly considered the same. So far as consideration of nature of the land, it considered the evidence on record and has rightly observed that only in L.A.R. No. 925/1999 the land was irrigated land. It is rightly held that

the claimants in other cases have failed to prove their lands to be irrigated or semi irrigated land. The judgments are rightly considered so far as determining the rate of compensation.

28. So far as grant of interest under section 34 of the said Act is concerned, the learned Trial Judge has held the the said interest needs to be paid from the date of taking over of the possession. However, in view of the judgment in the case of **State of Maharashtra Vs. Kailas Shiva Rangari** *(supra)*, this Court holds that it is not permissible to grant interest under section 34 of the said Act from the date of taking possession when it is taken prior to the date of notification. The claimants would be thus entitled to get the interest only from the date of award. To that extent, the appeals filed by the acquiring body deserves to be allowed by modifying the award. So far as rental compensation is concerned, again this Court finds that, now it is settled that the claimants will not be entitled to get any rental compensation. The award needs to be modified to that extent as well. Considering above, following order :

ORDER

(I) The first appeals filed by the claimants are dismissed.

(II) The first appeals filed by the acquiring body are partly allowed. The award stands modified only to the extent of interest under section 34 of the said Act. The same shall be paid from the date of award and not from the date of taking over of the possession.

(III) The claimants shall not be entitled to receive rental compensation.

(IV) If the amount is not paid as per the award by the learned Reference Court, the same be paid to the claimants within six (06) months from today. If the amount is already deposited in the office of this Court, the claimants are entitled to withdraw the same from the office of this Court.

(V) With this, the first appeals stand disposed off.

(VI) In view of above discussion, Cross Objection No. 19/2026 stands disposed of.

(VII) In view of disposal of first appeals, civil applications, if any, also stand disposed of.

(VIII) No order as to costs.

(SUSHIL M. GHODESWAR, J.) **(KISHORE C. SANT, J.)**

P.S.B.