IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 486 OF 2022

1. Govind Nagnath Ghayal
2. Balaji Nagnath Ghayal ..APPELLANTS

VERSUS

1. State of Maharashtra
   Through the Collector, Latur
2. The Executive Engineer,
   Minor Irrigation Division, Latur ..RESPONDENTS

WITH FIRST APPEAL NO. 487 OF 2022

Sopan Shankar Jambhaldare ..APPELLANT

VERSUS

1. State of Maharashtra
   Through the Collector, Latur
2. The Executive Engineer,
   Minor Irrigation Division, Latur ..RESPONDENTS

WITH FIRST APPEAL NO. 488 OF 2022

Vishwambhar Gangaram Waghmare ..APPELLANT

VERSUS

1. State of Maharashtra
   Through the Collector, Latur
2. The Executive Engineer,
   Minor Irrigation Division, Latur ..RESPONDENTS

WITH FIRST APPEAL NO. 489 OF 2022

Raghunath Gyanoba More
(Died) Through L.Rs.

1. Sojarbai Raghunath More
2. Suman Dattu Pawar
3. Sunanda Vasudeo Pawar

4. Janak Raghunath More
5. Nilkanth Raghunath More ..APPELLANTS

VERSUS

1. State of Maharashtra
   Through the Collector, Latur

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

WITH FIRST APPEAL NO. 490 OF 2022

Nivruti Ganpati Taralkar ..APPELLANT

VERSUS

1. State of Maharashtra
   Through the Collector, Latur

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

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Mr. G.K. Sontakke, Advocate for appellants
Mr. S.N. Kendre, A.G.P. for respondent no.1 – State
Mr. R.B. Deshpande, Advocate for respondent no.2

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CORAM : AJIT B. KADETHANKAR, J.
DATE : 23rd SEPTEMBER, 2026

PER COURT :

1. Being aggrieved by the common judgment and award dated 29th July, 2008 passed by the learned 3rd Joint C.J.S.D., Latur in L.A.R. No. 330 of 1999, the appellants / claimants have preferred these appeals.

2. The details of appeals are as follows :-

Sr.No.	First Appeal	L.A.R. No.	Details of land
1	486 of 2022	330 of 1999	1 H 49 R Gut No.2 Seasonally Irrigated

2	487 of 2022	402 of 1999	46 R Gut No.39 Seasonally Irrigated
3	488 of 2022	386 of 1999	25 R Gut No. 132/1 Seasonally Irrigated
4	489 of 2022	1222 of 1999	1 H 50 R Gut No. 77/2 Seasonally Irrigated
5	490 of 2022	319 of 1999	42 R Gut No. 122 Seasonally Irrigated

3. At the outset, Mr. Sontakke, learned counsel for the appellants pointed out to me that the other first appeals and cross-objections arising out of the these first appeals, which are filed in other land acquisition references, have already been disposed of by this Court with reasoned order. It would submit that this Court has fixed value of the lands category-wise. He would further submit that in view of the same, these first appeals may be disposed of at the admission stage granting compensation to the appellants / claimants holding the land as semi-irrigated. He placed on record across the bar copy of order dated 11th August, 2026 passed by this Court in various first appeals and cross-objections led by Cross-Objection No. 227 of 2026 in First Appeal No. 3022 of 2015. Same is taken on record and marked 'X' for identification. Suffice to note, subsequently some typo-graphical correction is also caused in the said order by speaking to the minutes order dated 24th August, 2026.

4. Mr. Deshpande, learned counsel for the acquiring body did not dispute that the cases cited by Mr. Sontakke are the same which arise out of the common judgment and award which is subject matter of this first appeal.

5. In the light of this, very short issue to be decided in this appeal remains to be answered. Hence, at the request of learned counsel for the appellants, these first appeals are being disposed of at the admission stage.

6. Appellants' agricultural lands were acquired by the respondent – authorities for construction of Katpur Minir Irrigation Tank of village Khopegaon, Khaneri, Kava and Wasangaon. Consequent to the acquisition, the S.L.A.O. granted compensation. Being aggrieved by the deficit compensation, the claimants / appellants approached the reference Court under Section 18 of the Land Acquisition Act. After hearing all the parties, the reference Court passed common judgment and award dated 29th July, 2008 thereby granting uniform rate of Rs.7 lakh per 'Hector' to all the claimants / appellants, irrespective of categorisation of the land. Being aggrieved thereby, the acquiring body filed first appeals in this Court, while some of the claimants also filed cross-objections. This Court, vide reasoned order, observed that the reference Court erred in granting uniform rate of compensation i.e. Rs.7 lakh per 'Hector' to all the claimants. For the reasons recorded therein, this Court held that the compensation shall be @ Rs.4 lakh per 'Acre' for dry land, Rs.6 lakh per 'Acre' for semi-irrigated land and Rs.8 lakh per 'Acre' for irrigated land. At Paragraph No.8 of the said order, categorisation of the lands was also prescribed. Suffice to note, there was some typographical error, which was corrected by allowing speaking to the minutes of the said order.

7. Now, Mr. Sontakke, learned counsel for the appellants submits that the appellants' land has to be categorised as semi-irrigated and compensation be paid holding the appellants entitled for compensation Rs.6 lakh per 'Acre'. He submits that although there was ample evidence on record, still the reference Court did not grant compensation corresponding to the entitlement. Thus, Mr. Sontakke would pray to allow the first appeals.

8. Mr. Deshpande, learned counsel for the acquiring body would submit that there is nothing on record to demonstrate that the appellants' land was having any water source. He submits that although this Court has fixed the compensation category-wise, the appellants are not entitled for such compensation for want of any evidence.

9. Heard learned counsel for both sides extensively. I have also gone through the cited judgments. The only issue whether the appellants are entitled for compensation holding their land as semi-irrigated. To this finding, there is description by the reference Court at Paragraph No.18 of its judgment and award, which reads thus :-

> *"18. On perusal of 7/12 extracts, the acquired lands appear to have water sources. The receipts of sale of sugarcane, electricity bills, etc. takes me to the conclusion that the claimants have not received proper compensation from the LAO. Claimants have examined witness, who has sold his land vide sale deed Ex.22. There is no necessity to examine the witness on the sale deed according to the Supreme Court in AIR 2001 SC 1117 (LAO Vs. Narsayya)."*

10. In my considered opinion, this observation was in continuation of the evidence tendered by Appellant No.2 – Balaji in First Appeal No. 486 of 2022 and thereafter only the reference Court has observed which is at described in Paragraph No.18. In my considered opinion, there is sufficient evidence to hold that the appellants' land would be categorised at least as semi-irrigated land. Suffice to note, there is no contra evidence by the acquiring body as against this finding. I am cautious to note that the arguments advanced by Mr. Deshpande, learned counsel for the acquiring body, that in other cases the acquiring body has challenged the said judgment and award. However, it is a matter of fact that said appeals are disposed of by this Court as per the cited order.

11. In view of this, I find that the appellants have made out successful case for seeking enhancement in the compensation. Hence I pass the following order :-

ORDER

(I) First Appeals are partly allowed.

(II) The appellants are entitled for compensation @ Rs.6,00,000/- (Rupees Six Lakhs) per Acre. To that extent the impugned award be modified

(III) The acquiring body shall deposit the balance amount of compensation together with interest in this Court within a period of six months from today.

(IV) The Appellants to pay deficit court fees, if any, within a period of one month from today.

(V) The interest part shall be covered by the Full Bench of this Court in case of ***State of Maharashtra Vs. Kailash Shiva Rangari, 2016 (3) Mh.L.J. 457***.

(VI) The Appellants shall not be entitled for any interest or statutory benefits for the delayed period.

(VII) After depositing the award amount by the acquiring body, the appellants shall be entitled to withdraw the same without making any separate application to this Court.

(VIII) First Appeals stand disposed of accordingly.

(AJIT B. KADETHANKAR, J.)

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