



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

4 FIRST APPEAL NO. 1100 OF 2005

VENKAT S/O SAMBHAJI PATIL
VERSUS
THE STATE OF MAHARASHTRA,
COLLECTOR, LATUR, DISTRICT LATUR AND ANOTHER

...
Mr. B. N. Patil & Mr. Sunil Magare, Advocate for Appellants.
Mr. V. M. Lomte, AGP for Respondents.
...

AND

68 FIRST APPEAL NO. 1139 OF 2005

SHIVAJI MADHAVRAO PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA,
COLLECTOR, LATUR, DISTRICT LATUR AND ANOTHER

...
Mr. B. N. Patil & Mr. Sunil Magre, Advocate for Appellants.
Mr. S. G. Sangle, Additional GP for Respondents.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 22nd June, 2026.

Per Court:

1 These two appeals have been preferred by the claimants
for enhancement of compensation against the common judgment and
award dated 30th June, 2005, passed by the learned Land Reference
Court, District Latur, as shown in the following chart:-

Sr. No.	First Appeal No.	LAR No.	Survey No.	Area of Land
1	1100 of 2005	552 of 1995	88 / 2	03 H 08 R
2	1139 of 2005	467 of 1995	88 / 2	02 H 10 R

2 The claimants' lands were acquired for the purpose of the resettlement of village Jawalga Pomadevi, Taluka Ausa, District Latur, as per the notification issued and published under Section 4 of the Land Acquisition Act, 1894 (for short, "the L.A. Act"), dated 28th September, 1994. The Land Acquisition Officer (for short, "the LAO") passed the final award on 30th October, 1994 and awarded compensation @ Rs.195/- per R. The learned Reference Court enhanced and awarded compensation @ Rs.400/- per R, holding that the claimants' lands were non-irrigated.

3 The learned Advocate for the claimants pointed out the pleadings, the evidence, the grounds of objections in the appeals and the reasons and findings in the impugned judgment.

4 The learned Advocate for the claimants further pointed out the judgments of this Court dated 22nd October, 2021 passed in ***First Appeal No.2614 of 2010 (Dagadu Vithal Jahdav Vs. State of Maharashtra and another)*** and the judgment dated 24th September, 2025 passed in ***First Appeal No.766 of 2013 (Manohar Kedari Sawant Vs. The State of Maharashtra and another)*** and submitted to award the compensation on the principle of parity to the claimants @ Rs.5/- per sq.ft., holding that the claimants' lands are having N.A. potentiality, as held by this Court in First Appeal No.2614 of 2010, as

the land in the said appeal and the present appeals were acquired for one and same purpose of rehabilitation and resettlement of villages affected by the 1993 earthquake. He further pointed out the judgment of this Court in First Appeal No.766 of 2013 (supra), by which this Court awarded compensation to a similarly situated claimant @ Rs.20/- per sq.ft. He, therefore, prayed to award the compensation accordingly. He lastly prayed to allow the appeals filed by the claimants by enhancing the amount of compensation.

5 The learned Advocate for the claimants relied upon the judgment of the Honourable Supreme Court in the case of ***Ambya Kalya Mhatre (D) through legal heirs and Ors. Vs. The State of Maharashtra, MANU/SC/1068/2011***, in which it is held that the claimant is entitled to compensation for trees as well as vacant land.

6 Both the learned AGPs for the respondents strongly opposed the appeals and submitted that a reasonable amount of compensation as per the market value of the acquired lands on the date of the notification was rightly determined and awarded by the learned Reference Court, as per the evidence on record. They pointed out paragraph Nos.19 and 20 of the impugned judgment and submitted that the reasons in the impugned judgment are acceptable and that no interference is warranted in it.

7 The learned AGPs submitted that as per both the judgments, the acquired lands were situated in different villages. In First Appeal No.2614 of 2010, the land was acquired as per the notification issued and published under Section 4 of the L.A. Act on 28th May, 1998. Therefore, the principle of parity cannot be applied to the case of the present claimants, as their lands were acquired as per the notification issued and published under Section 4 of the L.A. Act on 28th September, 1994. They submitted that the lands are of different quality and the claimants have not established the N.A. potentiality of their lands. They pointed out that while deciding First Appeal No.2614 of 2010, compensation to the extent of 40% was deducted and only 60% of the amount of the sale exemplar was awarded. The same deduction is required in the present appeals as well. Therefore, the claimants cannot claim compensation on the principle of parity. They lastly prayed to dismiss the appeals.

8 Perused the evidence and impugned judgment alongwith the judgments in First Appeal No.2614 of 2010 (supra) and First Appeal No.766 of 2013 (supra). By the said judgments, the compensation was determined on the square foot basis holding that the claimants' lands therein had N.A. potentiality. The lands of the present claimants were admittedly acquired for the purpose of

rehabilitation of villagers affected by the 1993 earthquake. When the lands are acquired for the resettlement of a village, those lands certainly have N.A. potentiality. Those lands are to be used for N.A. purposes.

9 The claimants in the neighbouring village whose lands were acquired for same purpose were awarded compensation @ Rs.20/- per sq.ft in First Appeal No.766 of 2013, and the claimant in First Appeal No.2614 of 2010 was awarded compensation @ Rs.5/- per sq.ft. In the judgment passed in First Appeal No.2614 of 2010, it was clarified that while awarding the compensation @ Rs.5/- per sq.ft. by the judgment in LAR No.851 of 2000, which was relied upon, and after deduction, compensation was awarded accordingly.

10 As far as deduction is concerned, this Court, in the judgment delivered in First Appeal No.2614 of 2010, in paragraph No.4 observed as follows:-

“Both the lands along with other lands have been acquired for the purpose of rehabilitation of earthquake affected persons. The only difference between the two is that the land, subject matter of Land Acquisition Reference No.851/2000 has been acquired under the land acquisition proceedings, the notification under Section 4 whereof was published in October 1995. The appellant herein also claimed before the Reference Court that his land had N.A. potential. The Reference Court, in Land

Acquisition Reference No.851/2000, enhanced the compensation to Rs.5/- per sq.ft. after deducting 40% of the acquired land towards development charges. In short, the compensation @ Rs.5/- per sq.ft. has been awarded to the extent of 60% of the land as against the entire land. Since the land of the appellant herein has been acquired for the very purpose from the very village, he needs to be granted compensation at par with the one granted in Land Acquisition Reference No.851/2000. This Court is, however, not inclined to grant 10% hike for each year on account of the land, subject matter of the present appeal, to have been acquired two and half years after the one which was subject matter of Land Acquisition Reference No.851/2000. There is prima facie nothing to indicate that price of the land gets enhanced by 10% every year. The Court may take judicial notice of the present scenario, wherein prices of the lands are static for some period of 2 - 3 years.”

11 These observations show escalation in price of land @ 10% for two and a half years was not granted, considering the static in the price of the land, which covers the period of 1994, the year of notification under Section 4 of the L.A. Act.

12 This Court has already held that the claimants' lands had N.A. potentiality, as the lands were acquired for the purpose of rehabilitation of villagers from the same vicinity. By the judgment in First Appeal No.2614 of 2010, this Court awarded compensation @ Rs.5/- per sq.ft. No doubt, the notification under Section 4 of the L.A.

Act in that appeal was issued and published on 28th May, 1998, whereas the notification under Section 4 in the present appeals was issued and published on 28th September, 1994. There is approximately a difference of four years between the two notifications. However, considering the fact that the villages are neighbouring villages and the principle of equality in Constitution in Articles 14 and 15 of the Constitution of India that equals should be treated equally, the claimants are certainly entitled to compensation @ Rs.5/- per sq.ft. on the principle of parity. Considering peculiar set of facts of this case, no any deduction is justified in this case on any count when principle of parity is to be invoked.

13 The 7/12 extracts at Exhibits 16 and 17 show the existence of a *Sarkari Gadi Marg* (Government Road) and also show that there is a well in both the lands. No compensation was awarded for the mango trees, as no specific number of mango trees is stated in the oral evidence. The 7/12 extracts also do not corroborate the same.

14 There is oral evidence of claimant corroborated by the 7/12 extract at Exhibit-17, which shows that there is a well for which no compensation was awarded. The claimants in First Appeal No.1139 of 2005 are, therefore, entitled to compensation of Rs.5,000/- for a well.

15 The reasons and findings of the learned Reference Court are not legal and correct. Therefore, interference is warranted in the impugned judgment and award. The first appeals deserve to be allowed. The impugned judgment and award deserves to be partly set aside and modified. Hence, the following order:-

ORDER

- I. The first appeals are allowed.
- II. The impugned judgment and award are partly set aside and modified as under:-
 - a) The claimants are entitled to the compensation @ Rs.5/- per sq.ft., including earlier amount paid to the claimants for the acquired lands, with all other statutory benefits i.e. additional component, interest and solatium as per the provisions of Land Acquisition Act, 1894.
 - b) The claimants in First Appeal No.1139 of 2005 are further entitled to compensation of Rs.5000/- for well.
 - c) Rest of the judgment and award is confirmed.
- III. The claimants in both appeals are not entitled to interest for the delayed period, if condoned by this Court.
- IV. The enhanced amount of compensation with

statutory interest etc. shall be deposited in this Court within a period of six months from today.

- V. The claimants shall deposit the deficit court fees, if any. On deposit of deficit court fees, if any, the amount of compensation be paid to claimants.
- VI. Award be drawn up accordingly.
- VII. Pending civil applications, if any, are disposed of.
- VIII. Record and proceedings be sent back.

[SANJAY A. DESHMUKH, J.]

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