



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

908 FIRST APPEAL NO. 2674 OF 2013

Navneetdas Gulabdas Shah (Since Deceased)
Through L.Rs. Kusumben Navneetdash Shah And Others

VERSUS

The State Of Maharashtra And Another

AND

X-OBJECTION NO. 136 OF 2023 IN FA/2674/2013

The State Of Maharashtra And Another

VERSUS

Navneetdas Gulabdas Shah (Since Deceased)
Through L.Rs. Kusumben Navneetdash Shah And Others

AND

FIRST APPEAL NO. 1287 OF 2014

Purushottamdas S/o. Gulabdas Shah (Died)
Through L.Rs. Hiraben Purushottamdas Shah And Others

VERSUS

The State Of Maharashtra And Another

AND

X-OBJECTION NO. 234 OF 2025 IN FA/1287/2014

The State Of Maharashtra And Another

VERSUS

Purushottamdas S/o. Gulabdas Shah (Died)
Through L.Rs. Hiraben Purushottamdas Shah And Others

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Mr. Anand P. Bhandari, Advocate for Appellants-Claimants in FA/2674/2013
and for Respondents in X-Obj/136/2023

Mr. J.R. Shah, Advocate for Appellants-Claimants in FA/1287/2014 and for
Respondents in X-Obj/234/2025

Mr. A.M. Phule, AGP for Respondent No.1-State in Both FAs

Mr. Shambhuraje V. Deshmukh, Advocate for Respondent No.2 in both FAs

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 04 SEPTEMBER, 2026

PER COURT :

1. Heard learned counsel appearing for the respective parties.
2. These First Appeals and Cross Objections arise out of the judgments and awards passed by the learned Civil Judge, Senior Division, Aurangabad in Land Acquisition Reference Nos. 172 of 1997 and 173 of 1997. Since the appeals and cross objections arise out of the same acquisition, they are heard together and are being disposed of by this common judgment and order. The Cross Objections are filed by the Acquiring Body challenging the enhancement granted by the learned Reference Court, whereas the First Appeals are preferred by the claimants seeking further enhancement of compensation.
3. The lands belonging to the respective claimants, admeasuring 4 Acres and 8 Acres out of Survey Nos. 11/1 and 11/3-1, situated at Garkheda, Aurangabad, were acquired for the purpose of development of New Aurangabad. The notification under Section 126 of the Maharashtra Regional and Town Planning Act, 1966, read with Section 6 of the Land Acquisition Act, 1894, was published on 16.10.1975. The Special Land Acquisition Officer (SLAO) passed the award under Section 11 of the Land Acquisition Act on 21.03.1980 and awarded compensation at the rate of Rs.7,500/- per acre for the acquired lands. When the award was declared, 4 Acres of land belonging to the claimant in LAR No. 172 of 1997 (First Appeal No. 2674 of 2013) were acquired. The claimants received the said

amount under protest by reserving their right to claim an enhanced amount of compensation. Dissatisfied with the award, the claimants sought references under Section 18 of the Land Acquisition Act.

4. The learned Reference Court enhanced the market value to Rs.23,000/- per acre. Being dissatisfied with the quantum of compensation so awarded, the claimants as well as the Acquiring Body have preferred the present appeals and cross-objections.

5. Mr. Shambhuraje Deshmukh, learned counsel appearing for Respondent No. 2–Acquiring Body tendered across the Bar a copy of the order dated 17.08.2026 passed by this Court in First Appeal No. 332 of 2005 and connected matters. Under the same notification and award, lands from different survey numbers were acquired, and this Court determined the market value of the acquired lands therein at the rate of Rs. 23,000/- per acre. Therefore, he submitted that the present appeals and cross-objections are squarely covered by the order dated 17.08.2026 passed by this Court in First Appeal No. 332 of 2005. He submitted that when the said order was passed, it was not brought to the notice of this Court that as per the 1984 Amendment, the claimants are entitled to receive 30% solatium and 12% additional component.

6. There is no dispute about the fact that this Court has already determined the market value of the acquired lands arising out of the same

notification and award vide order dated 17.08.2026 in First Appeal No. 332 of 2005 and connected matters, wherein compensation was enhanced. Since the present First Appeals arise out of the same notification, same award, and same acquisition scheme, this Court holds that the order passed by this Court in First Appeal No. 332 of 2005 is squarely applicable to the present case. The learned Reference Court in the present proceedings has also determined the market value at exactly the same rate.

7. After going through the record, I find that CIDCO initiated proceedings to acquire 4 Acres and 8 Acres lands of the respective claimants. However, after passing the award, it was noticed that out of the 4 Acres of land, 1 Acre 36 R of claimant Purushottamdas and land to the extent of 24 R of claimant Navneetdas had already been acquired by the State Government for the construction of a V.I.P. Guest House by the Buildings and Communication (B & C) Department. The possession receipt demonstrates that possession of the said portion was handed over to the B & C Department on 09.07.1974, and CIDCO acquired only the remaining land to the extent of 2 Acres 04 Gunthas and 3 Acres 16 Gunthas of the respective claimants. In fact, it has also come in the evidence of the claimants that prior to the acquisition by CIDCO, the land was acquired by the State Government for B & C Department under award dated 02.02.1970.

8. It is an admitted position on record that a portion of the claimants' land was acquired by the B & C Department; however, the compensation

payable towards such acquisition is yet to be disbursed and continues to remain pending in the T-Account of the B & C Department.

9. Once the land forming part of the same Survey Number has been acquired, albeit under a different acquisition proceeding, the factors warranting enhancement of compensation ought to have been considered by the learned Reference Court, so as to grant the same rate of compensation in both the acquisition proceedings. Consequently, the learned reference Court ought to have granted enhancement for both the acquisition proceedings.

10. Therefore, as regards the amount of compensation at the rate determined by this Court, CIDCO is liable to pay for the land acquired by it. However, simultaneously, it cannot be ignored that the claimants' lands were acquired by the B & C Department as well, and therefore, the claimants cannot be deprived of compensation in respect of those portions. Since the State Government had already acquired those portions of land and no compensation was paid, the mere fact that CIDCO is not liable to pay for that portion would not mean that the claimants are not entitled to receive compensation for the land acquired by the B & C Department. Once it is brought to the notice of this Court that the land was acquired by the State Government for the B & C Department, the State Government is liable to pay the amount.

11. In the interest of justice, this Court is of the opinion that while CIDCO is liable to pay compensation for the lands acquired by it at the rate determined by this Court, the State Government is liable to pay compensation for the lands acquired for the B & C Department, i.e. 1 Acre 36 R and 24 R of the respective claimants.

12. It was brought to the notice of this Court that, after passing of the award dated 21.03.1980, it was found that land admeasuring 1 Acre 36 R belonging to claimant Purushottamdas and land admeasuring 24 R belonging to claimant Navneetdas had already been acquired under the award dated 02.02.1970. In view of the said prior acquisition, the award dated 21.03.1980 was amended, and the amended award dated 19.09.1980 came to be passed, which is placed at Exhibit-32 (corrigendum to the award). Exhibit-32 reflects that the original claimants had not withdrawn the amount payable in respect of the lands acquired by the State and that the said amount has been lying deposited with the Department in the T-Account maintained by the Assistant Collector since 17.03.1971, without any claimant coming forward to receive the same. Thus, the record supports the position that the said portions of land had already been dealt with in the earlier acquisition proceedings and that the compensation amount pertaining thereto was separately lying deposited with the concerned Department.

13. In view of the aforesaid discussion, the appeals filed by the claimants deserve to be partly allowed by modifying the impugned judgment and award. Hence, the following order is passed:

ORDER

- (i) The First Appeals filed by the claimants are partly allowed.
- (ii) The common impugned Judgment and Award dated 01.01.2013 passed by the learned Civil Judge, Senior Division, Aurangabad in Land Acquisition Reference Nos. 172 of 1997 and 173 of 1997 is hereby modified.
- (iii) The Claimants in First Appeal No. 2674 of 2013 (LAR No. 173 of 1997) are held entitled to receive compensation at the rate of Rs.23,000/- per Acre for their acquired land admeasuring 24 R acquired by the State for the B & C Department.
- (iv) The Claimants in First Appeal No. 1287 of 2013 (LAR No. 172 of 1997) are held entitled to receive compensation at the rate of Rs.23,000/- per Acre for their acquired land admeasuring 1 Acre 36 R acquired by the State for the B & C Department.
- (v) The State Government shall be liable to pay the compensation for the aforesaid remaining lands admeasuring 24 R and 1 Acre 36 R respectively.
- (vi) The claimants shall be entitled to all consequential statutory benefits including interest as per the law laid down by Full Bench decision in ***State of Maharashtra vs. Kailas Shiva Rangari, 2016 (3) Mh.L.J. 457.***

(vii) The claimants are entitled to receive 30% solatium and 12% additional component in respect of land acquired by the State Government for construction of B & C Department as well as the land acquired by CIDCO, subject to the claimants' entitlement under the Land Acquisition Act, 1894.

(viii) The remaining part of the common impugned Judgment and Award dated 01.01.2013 passed by the learned Civil Judge, Senior Division, Aurangabad in Land Acquisition Reference Nos. 172 of 1997 and 173 of 1997 shall remain unaltered.

(ix) The claimants shall pay deficit court fees, if any.

(x) Modified award be drawn accordingly.

(xi) In view of the disposal of the appeals filed by the original claimants, the Cross Objections filed by the Respondent-State stand disposed of.

(xii) Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane