IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 FIRST APPEAL NO. 1345 OF 2012
WITH
CIVIL APPLICATION NO. 5600 OF 2013 IN FA/1345/2012

UNION OF INDIA THR. DY CHIEF ENGINEER, CONSTRUCTION, CENTRAL RAILWAY
VERSUS
RAMLAL GANESH TIWARI AND ANR
...
WITH
CIVIL APPLICATION NO. 6958 OF 2026 IN X-OBJST/19299/2026 IN FA/1345/2012

RAMLAL GANESH TIWARI DIED THR. LRS VIDYA MADAN TIWARI AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
WITH
CIVIL APPLICATION NO. 8827 OF 2026 IN X-OBJST/23499/2026 IN FA/1345/2012

RAMLAL GANESHLAL TIWARI AND ORS.
VERSUS
THE DY. CHIEF ENGINEER (C), CONSTRUCTION DIVISION, CENTRAL RAILWAY, SOLAPUR AND ORS.
...
WITH
FIRST APPEAL NO. 1348 OF 2012
WITH
CIVIL APPLICATION NO. 5597 OF 2013 IN FA/1348/2012

UNION OF INDIA THR DY CHIEF ENGINEER, SOLAPUR
VERSUS
SHAIKH CHAND MOHAMMAD RASHID AND ANR
...
WITH
CIVIL APPLICATION NO. 6963 OF 2026 IN X-OBJST/19302/2026 IN FA/1348/2012

SHAIKH CHAND MOHAMMAD RASHID.
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR LATUR AND ANR.
...
WITH
FIRST APPEAL NO. 1347 OF 2012
WITH
CIVIL APPLICATION NO. 7943 OF 2021 IN FA/1347/2012
WITH

CIVIL APPLICATION NO. 2605 OF 2017 IN FA/1347/2012
WITH
CIVIL APPLICATION NO. 5599 OF 2013 IN FA/1347/2012

UNION OF INDIA THR DY CHIEF ENGINEER, SOLAPUR
VERSUS
PAWANKUMAR SHIVLAL TIWARI AND ORS
...
WITH
CIVIL APPLICATION NO. 4812 OF 2024 IN X-OBJST/4059/2024 IN FA/1347/2012

PAWNKUMAR SHIVLAL TIWARI AND ANR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR LATUR AND ORS.
...
WITH
FIRST APPEAL NO. 1346 OF 2012
WITH
CIVIL APPLICATION NO. 5598 OF 2013 IN FA/1346/2012

UNION OF INDIA THR DY CHIEF ENGINEER, SOLAPUR
VERSUS
RAMLAL GANESH TIWARI AND ANR
...
WITH
CIVIL APPLICATION NO. 8828 OF 2026 IN X-OBJST/23496/2026 IN FA/1346/2012

RAMLAL GANESHLAL TIWARI AND ORS.
VERSUS
THE DY. CHIEF ENGINEER (C), CONSTRUCTION DIVISION, CENTRAL RAILWAY, SOLAPUR AND ORS.
...
WITH
CIVIL APPLICATION NO. 6962 OF 2026
IN X-OBJST/19296/2026 IN FA/1346/2012

RAMLAL GANESH TIWARI DIED THROUGH LEGAL HEIRS VIDYA AND ANR.
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS COLLECTOR, LATUR AND ORS.
...
Advocate for Appellants/acquiring body : Mr. Manish N. Navandar , Mr. S.V. Gundre and Mrs. Tanvi S. Gundre.
AGP for Respondents/State : Mr. A.M. Phule
Advocate for Respondents/original claimants : Mr. S.S. Manale, Mr. S.V. Gundre, Mr. Fayaz K. Patel
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

Dated : September 07, 2026

PER COURT :-

1. Before proceeding to decide the appeals on merits, as there was delay in filing the cross objections filed by the original claimants, it is necessary to consider the applications filed for condonation of delay in filing the cross objections. The learned counsel for the original claimants/cross objectioners submits that acquiring body has challenged the award passed by the reference court by filing the present first appeals, those appeals were already admitted by this Court on 1.10.2012. In para 3, 4 and 5 of the applications, the reasons are given by the original claimants for condonation of delay. As the acquisition proceedings arise out of same notification, from same project and lands are acquired from the same village, reasons given in CA No. 8827/2026 are reproduced below :-

> "3. The father of the applicants, namely Rambler, was looking after the affairs of the first appeal. After the judgment passed by the reference court, the appeal could have been filed immediately but Ramlal, fell sick and ultimately he died in the year on 25-02-2014. Thereafter the applicants were brought on record as his legal heirs. The applicants also could not file the appeal because the financial condition of the applicant was not sound. Much of compensation, withdrawn from this honourable court, was utilized, for the treatment of Ramlal.
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> 4. In the month of April 2026 the advocate for the applicants informed the applicants that in other first appeals this honourable court has awarded market value at the rate of Rs. 123 per sq ft. The applicant's land is also acquired by the same notification for the same purpose as in those first appeals. On the ground of parity the applicant is entitled for the same rate of compensation.
>
> 5. The applicants state that right to property is recognized as a human right and the applicants are entitled to receive just and fair compensation for the acquired land.

> The appeal filed by the acquiring body is pending for the last 14 years. This honourable court will be deciding the just and fair compensation payable to the applicants in the appeal filed by the acquiring body. The applicants are not paid the entire compensation awarded by the reference court by the impugned judgment and award in the first appeal. The applicants have received part payment, that too on furnishing security. The appeal filed by the acquiring body is not heard till today. The subject matter of the cross-objection filed by the applicants is also the just and fair market value of the acquired land."

2. The acquiring body filed reply to the said delay condonation applications by contending that the original claimants have already served in the appeals filed by the acquired body and as per Order 41, Rule 22 of the Civil Procedure Code, the claimants are required to file cross objections within one month from the date of service in the appeal, but there was huge delay of 14 years in filing the cross objections and therefore, this Court should not condone the delay. Mr. Navandar, learned counsel submits that as the claimants have already appeared in the first appeals filed by the acquiring body and they were represented through the counsel and in spite of that they filed cross objections after 14 years. He further submits that after getting knowledge that compensation was enhanced by the coordinate bench of this court, subsequently the cross objections are filed to get enhanced compensation. In support of the above contentions, he placed reliance on the law laid down by the Division Bench of this Court in the case of **Oil and Natural Gas Corporation Vs. Punjsons Pvt. Ltd. reported in 2008 (6) BCR 641** and contended that if the application for delay condonation is allowed, which needs to be filed within one month after the service of notice in first appeal, it will cause burden on public exchequor. Therefore, this Court should reject the applications filed for condonation of delay in filing

the cross objections.

3. After hearing the learned counsel for respective parties, I have gone through the **order dated 16.4.1926 passed by the coordinate bench of this Court in First Appeal No. 185/2010 (Deputy Chief Engineer (C) Vs. Maruti Bapurao Pawar and others)** and other connected matters in which the cross objections were filed without any delay and therefore, the division bench has rightly considered that if the cross objections were filed by the original claimants within one month from the date of service in appeals, then only the claimants need to file application for delay condonation. Here in the present cases, the cross objections were filed by accompanying the applications for condonation of delay. The acquiring body has already filed the present appeals before this court. Therefore, considering all above, this Court holds that the land acquisition proceedings are beneficial legislation, therefore, the delay caused in filing the cross objections needs to be condoned subject to condition that for the delayed period the claimants are not entitled to any statutory benefits/interest. Therefore, the delay caused in filing the cross objection is condoned subject to condition that the claimants are not entitled to interest and statutory benefits under the Act for the delayed period i.e. after one month of service in the appeals filed by the acquiring body till today.

4. As far as the first appeals filed by the acquiring body and the cross objections filed by the original claimants are concerned, the same arise out of acquisition proceedings initiated in the year 1996. Hence, heard finally with the consent of the learned counsel for the respective parties.

5. By these appeals, the appellants/acquiring body assail the judgment and award dated 14.3.2012 passed by the learned 2nd Jt. Civil Judge, Senior

Division, Latur in LAR Nos. 552, 553, 554 and 555 of 2000, whereby the reference court has enhanced the compensation at the rate of Rs. 70/- per sq. ft. In these appeals, the cross objections were filed by the claimants and there was delay in filing those cross objections, which was condoned by this Court today.

6. The details of the acquired lands, first appeals and compensation granted by the reference court are as under :-

First Appeal filed by Claimants For Enhancement	**First Appeal filed by Acquiring body.**	**LAR No.**	**Gat No.**	**Area**	**Compensa-tion awarded by LAO**	**Awarded by Reference court**
Cross Obj. st. no. 19296 of 2026	FA 1345 of 2012	552/2000	83	44 R.	127/- per Sq. mtr	70/- per sq. ft
Cross Obj. st. no. 19299 of 2026	FA 1346 of 2012	553/2000	83	3700 sq mtr (NA permission)	As above	As above
Cross Obj. st. no. 19302 of 2026	FA 1348 cf 2012	554/2000	8	51 R	As above	As above
Cross Obj. St no. 4059 of 2024	FA 1347 cd 2012	555/2000	82	58 R	As above	As Above

7. The lands of the claimants mentioned above were acquired for the purpose of expansion of Broad-gauge railway line Miraj Kurudwadi Latur to Latur Road at village Arvi, Taluka and Dist. Latur. Notification under section 4 of the Land Acquisition Act was published on 19.10.1995. The learned Special Land Acquisition Officer (SLAO) has passed the award on 31.01.1999 and awarded compensation at the rate of Rs.127/- per sq. mtr. Being dissatisfied with the award of the SLAO, the claimant filed an application before the Collector for referring the matter under section 18 of the Act for proper determination of the market value of the acquired land. The learned reference court after going through the evidence and examining

the record, enhanced the compensation at the rate of Rs. 70/- per sq. ft. Being dissatisfied with the same, the present first appeals as well as cross objections are filed.

8. Mr. Manish N. Navandar, learned counsel for acquiring body submits that before the reference court, the claimants relied upon the sale instance, Exh. 23, dated 19.1.1996 by which 2000 sq. ft. area of plot situated at Gat No. 105 was sold for consideration of Rs.4,10,000/- i.e. Rs.205/- per sq. ft. The claimants have claimed enhanced compensation at the rate of Rs.100/- per sq. ft. The learned reference court by applying 30% standard deductions as per the rate claimed by the claimants has determined the compensation at the rate of Rs.70/- per sq. ft. Mr. M.N. Navandar, learned counsel for acquiring body vehemently submits that as this sale instance is in respect of the small piece of land and huge area of the lands were acquired for the above project, it is unsafe to rely upon the same. He therefore, submits that the learned reference court ought not to have relied upon the above sale instance. In support of his above contentions he placed reliance on following judgments, which are as under :-

(i) State of Hryana Vs. Ram Singh, AIR 2001 SC 2532.

(ii) Special Land Acquisition Officer, Karnataka Housing Board Vs. P.M. Mallappa, LEX (SC) 1997 3 119.

(iii) R.P. Singh V. Union of India, AIR 2005 SC 4189.

(iv) Hookiyar Singh Vs. Special Land Acquisition Officer, Moradabad, AIR 1996 SC 3207.

(v) State of Maharashtra Vs. Digamber Tandale, 1996 (2) JT 528.

(vi) Pitamber Hemlal Badgujar Vs. Sub Divisional Officer, Dhule, AIR 1996 SC 3117

(vii) State of Orissa Vs. Brij Lal Mishra etc. 1995 AIR SCW

3993.

(viii) Basant Kumar and Ors. Vs. Union of India & Ors., 1996 (11) SCC 542.

9. Mr. Navandar, learned counsel appearing for the appellants/acquiring body submits that the learned reference court has committed erred by relying upon the above sale instance which is for the small piece of land and the learned reference court has not recorded any reasons as to how the reference court come to the conclusion to grant such rate for the acquired lands and only because claimants have claimed rate of Rs.100/- per sq. fts, the reference court by deducting 30% amount has determined the rate which was exorbitant and excessive. He further submits that if such order is maintained it will cause huge burden on public exchequer and ultimately it is nothing, but wastage of money and prayed to allow the appeals filed by the acquiring body.

10. Per contra, the learned counsel appearing for respective original claimants tendered across the bar the copy of the order passed by the coordinate bench of this Court in First Appeal Nos. 185/2010 (supra) and contended that the coordinate bench has already enhanced the compensation at the rate of Rs. 123/- per sq. ft. and in the present matters also, the date of notification, purpose for the acquiring lands is the same and the lands acquired were from the same village and therefore, the claimants are also entitled to receive the compensation as was granted in FA No. 185/2010 (supra). They further submit that once the claimants relied upon the sale instance of 1996 the rate comes to Rs.205/- per sq. ft., however, as the claimants claimed rate of Rs.100/- per sq. fts, therefore, the learned reference court after applying 30% deductions has granted

compensation at the rate of Rs.70/- per sq. ft. and therefore, in view of the above judgment of the coordinate bench, the compensation granted by the reference court is very meager and therefore, they pray to grant the rate which was granted in FA No.185/2010 (supra) by the coordinate bench of this Court.

11. Mr. M.N. Navandar, learned counsel for the acquiring body controverted to the above submissions made by the learned counsel for the original claimants by contending that though the village is the same, there were two different notifications and two different awards were passed and therefore, the order passed by the coordinate bench of this Court cannot be made applicable and therefore, this court may take a different view as the order passed by the other coordinate bench is not binding upon this Court.

12. Having heard the learned counsel for the respective parties, with their assistance I have gone through the record and proceedings and the impugned judgment and award of the reference court as well as the SLAO. Section 4 notification came to be published in the present matters on 19.10.1995. As per the award the notification under section 4 was published on 11.2.1996 in the village. After going through the judgment and award passed by the SLAO, I find that in the said order, some incorrect dates are mentioned about passing of the award. But after going through the same, the land from village Arvi were acquired by the acquiring body by issuing section 4 notification on 11.2.1996 and only one award was passed and therefore, common judgment and award was passed.

13. Considering the arguments advanced by the learned counsel for the claimants, one thing needs to be taken into consideration that before the reference court the same sale instance was relied upon and the coordinate

bench after going through the same sale instance of 1996 has determined the compensation and the rate comes to Rs.123/- per sq. ft. though the sale instance is for small piece of land. But on perusal of the order of the coordinate bench of this Court, it is seen that the coordinate bench has not applied the sale instance as it is, considering the fact that the same is for small piece of land, the coordinate bench of this Court by applying 40% deductions determined the market rate of acquired lands in those matters and determined market value of the acquired lands at the rate of Rs.123/- per sq. ft. Therefore, in view of the above facts and considering that the present matters also arise out of the same award, from the same notification, for the same purpose and from the same village and the coordinate bench has determined the compensation as mentioned above, therefore, to maintain judicial discipline, this Court is of the view that the order passed by the coordinate bench needs to be considered here in the present cases to determine the correct market value of the acquired lands. Therefore, considering the above, I find that there is no reason to consider the appeals filed by the acquiring body as once the coordinate bench enhanced the compensation for the same project, there is no scope to consider the appeals filed by the acquiring body. Hence, the first appeals filed by the acquiring body are devoid of merits and the same needs to be dismissed. Hence, I proceed to pass the same order as was passed in FA No. 185/2010 (supra) by the coordinate bench of this court, which is as under :-

O R D E R

I. The first appeals filed by the acquiring body are dismissed.

II. Cross-objections filed by the claimants are partly allowed.

III. The impugned judgment and award dated 14.3.2012 partly set aside and modified as under:

(a) The claimants are entitled to compensation @ Rs.123/- per sq. ft. for their acquired lands, including the earlier compensation awarded and received by them, along with all statutory benefits like interest, component and solatium etc., as per the provisions of the Land Acquisition Act, 1894.

IV. It is clarified that the claimants are not entitled to the interest and other statutory benefits for the period of delay, if any, condoned by this Court.

V. The respondent-Acquiring Authority is directed to deposit the enhanced amount of compensation along with all statutory benefits like interest, component and solatium etc., in this Court within six months.

VI. If court fee is not sufficiently paid, the appellants shall pay deficit court fee. On receiving the same, the enhanced amount of compensation be paid to the claimants.

VII. Award be drawn up accordingly.

VIII. Pending civil applications, if any, are disposed of.

IX. Record and Proceedings be sent back.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/